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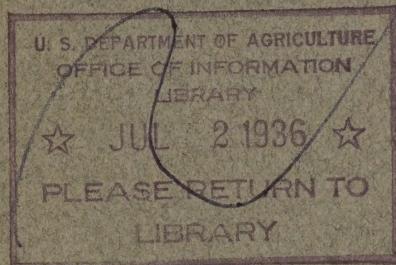
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R53A
1934
pt. 1

Act I

UNIFORM
MOTOR VEHICLE ADMINISTRATION
REGISTRATION, CERTIFICATE OF TITLE
AND ANTITHEFT ACT

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF PUBLIC ROADS



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Act I

UNIFORM
MOTOR VEHICLE ADMINISTRATION
REGISTRATION, CERTIFICATE OF TITLE
AND ANTITHEFT ACT

This Act is part of a
Uniform Vehicle Code

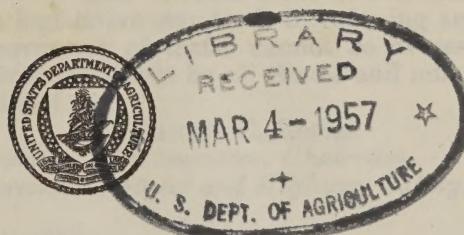
CONSISTING OF

- I.—“Uniform Motor Vehicle Administration, Registration, Certificate of Title and Antitheft Act”
- II.—“Uniform Motor Vehicle Operators’ and Chauffeurs’ License Act”
- III.—“Uniform Motor Vehicle Civil Liability Act”
- IV.—“Uniform Motor Vehicle Safety Responsibility Act”
- V.—“Uniform Act Regulating Traffic on Highways”

As revised and approved by the Fourth National Conference on Street
and Highway Safety, May 23-25, 1934.

U.S. DEPARTMENT OF AGRICULTURE

BUREAU OF PUBLIC ROADS



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THE
MOTOR VEHICLE REGISTRATION
AND TAXATION
ACT OF 1921

This Act is part of a
Uniform Law adopted

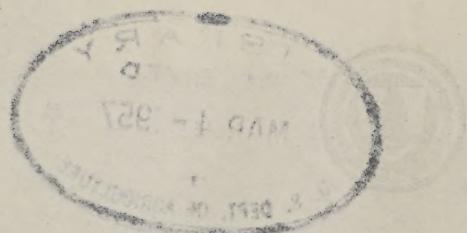
concerning the

"A bill to provide for the registration of motor vehicles and for other purposes" — A
Senate Bill No. 1777, introduced by Senator Hiram C. Johnson, of California, and referred to the Committee on Interstate Commerce.

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PUBLISHED UNDER AUTHORITY CONTAINED IN
THE FEDERAL HIGHWAY ACT (42 STAT. 212)
APPROVED NOVEMBER 9, 1921

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF MOTOR VEHICLES



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FOREWORD

This act is one of five acts which constitute the uniform vehicle code as revised and recommended for State enactment as the foundation for uniform traffic regulation.

The uniform vehicle code was originally prepared in 1925-26 by the National Conference on Street and Highway Safety in cooperation with the National Conference of Commissioners on Uniform State Laws. It was reviewed and revised by the National Conference on Street and Highway Safety in 1930 and again this year. In each case the revisions were based upon thorough study by a representative committee, extending over a period of months, of the provisions of the various acts in the light of experience and changed conditions.

The changes in substance in the present code from the 1930 draft are few. The speed restrictions have been rewritten to make them simpler and more easily understood. The lighting provisions for motor vehicles have been revised in recognition of recent mechanical developments. Changes have been made in the sections dealing with sizes and weights of motor vehicles. There has been incorporated provision for periodic inspection of motor vehicles.

The first two acts of the 1930 draft, covering respectively vehicle registration and certificate of title, have been consolidated and amplified to provide for a highway patrol and new administrative features. Two new acts have been added, dealing respectively with civil liability and safety responsibility. Former acts III and IV, covering respectively drivers' licenses and regulation of traffic on highways, have been renumbered acts II and V. In all of the acts long sections have been broken up into shorter sections for clarity.

The National Conference on Street and Highway Safety, as heretofore, recommends two other sets of standards to supplement the uniform vehicle code—a model municipal traffic ordinance for municipalities and a Manual of Uniform Traffic Control Devices—the latter now covering conditions both in rural areas and in cities.

The importance of uniform legislative standards in reducing accidents and facilitating the movement of traffic cannot be overestimated, and the adoption of these standards by all States and municipalities is earnestly recommended.

DANIEL C. ROPER,
*Secretary of Commerce, Chairman,
National Conference on Street and Highway Safety.*

WASHINGTON, D.C., July 31, 1934.

NOTE.—The following associations have cooperated with the Department of Commerce in conducting the Conference: Bureau of Public Roads, United States Department of Agriculture; American Association of Motor Vehicle Administrators; American Automobile Association; American Mutual Alliance; American Railway Association; American Transit Association; Chamber of Commerce of the United States; National Automobile Chamber of Commerce; National Bureau of Casualty and Surety Underwriters; and National Safety Council. The Automobile Club of Southern California has made substantial contributions to the staff work of the uniform vehicle code and model municipal traffic ordinance.

FORWORD

ACT I.—UNIFORM MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTI- THEFT ACT

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ACT I.—UNIFORM MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT ACT

TITLE OF ACT

An act relating to motor vehicles, trailers, and semitrailers, the ownership thereof and other interests therein, and to provide for the registration thereof and the issuance of certificates of title therefor upon payment of certain fees and to license persons in the business of wrecking such vehicles or dealing in such vehicles or parts thereof and to protect owners of such vehicles against theft, embezzlement, or other loss thereof and providing for the administration and enforcement of motor vehicle laws by a department of motor vehicles and imposing penalties for violations of this act and to make uniform the law relating to the subject matter of this act.

*Be it enacted, * * **

ARTICLE I

WORDS AND PHRASES DEFINED

SECTION 1. *Definition of words and phrases.*—The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this title.

SUBDIVISION I.—VEHICLES AND EQUIPMENT

SEC. 2 (a) *Vehicle.*—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) *Motor vehicle.*—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) *Motorcycle.*—Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

SEC. 3 (a) *Truck tractor.*—Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(b) *Farm tractor.*—Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(c) *Road tractor.*—Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

SEC. 4. (a) *Trailer*.—Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(b) *Semitrailer*.—Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

SEC. 5 (a) *Specially constructed vehicle*.—Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

(b) *Reconstructed vehicle*.—Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(c) *Essential parts*.—All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

SEC. 6. *Foreign vehicle*.—Every vehicle of a type required to be registered hereunder brought into this State from another State, Territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State.

SEC. 7. *Implement of husbandry*.—Every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations.

SEC. 8. *Special mobile equipment*.—Every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus, and concrete mixers. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section.

SEC. 9. (a) *Pneumatic tire*.—Every tire in which compressed air is designed to support the load.

(b) *Solid tire*.—Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(c) *Metal tire*.—Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

SUBDIVISION II.—GOVERNMENTAL AGENCIES, PERSONS, OWNERS, ETC., DEFINED

SEC. 10. (a) *Commissioner*.—The commissioner of motor vehicles of this State.

(b) *Department*.—The department of motor vehicles of this State acting directly or through its duly authorized officers and agents.

SEC. 11. (a) *Person*.—Every natural person, firm, copartnership, association, or corporation.

(b) *Owner*.—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

SEC. 12. *Nonresident*.—Every person who is not a resident of this State.

SEC. 13. (a) *Dealer*.—Every person engaged in the business of buying, selling or exchanging vehicles of a type required to be registered hereunder and who has an established place of business for such purpose in this State.

(b) *Transporter*.—Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(c) *Manufacturer*.—Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this State.

SEC. 14. *Established place of business*.—The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

SUBDIVISION III.—HIGHWAYS

SEC. 15. *Street or highway*.—The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.¹

ARTICLE II

THE DEPARTMENT OF MOTOR VEHICLES

SEC. 16. *Department created*.—(a) A department of the government of this State to be known as the “department of motor vehicles” is hereby created.

(b) The department shall succeed to and is hereby vested with all the powers, duties, and jurisdiction now vested in the (present State bureau or department exercising such functions).

SEC. 17. *Office of commissioner of motor vehicles created*.—The department shall be under the control of a civil executive officer to be known as the “commissioner of motor vehicles.”²

¹ The above definition renders the terms “street” or “highway” synonymous and interchangeable.

² The text does not provide the method of filling the office of the commissioner of motor vehicles nor the term of office. It is recommended that each State adopt a method and provide a salary appropriate to the importance of the position and provide means to insure continuance in office, as a commissioner’s experience in office is of great value in the proper administration of the motor vehicle laws.

SEC. 18. *Organization of department.*—The commissioner shall organize the department in such manner as he may deem necessary properly to segregate and conduct the work of the department, but the work of the department is hereby divided into at least two divisions to be known respectively as the division of registration and the division of highway safety and patrol.

SEC. 19. *Commissioner to appoint subordinates.*—The commissioner (subject to the civil service laws) shall appoint such deputies, subordinate officers, clerks, investigators, and other employees as may be necessary to carry out the provisions of this act and (subject to the civil service laws) shall appoint a chief of the division of highway safety and patrol and subordinate officers and employees thereof, including captains, sergeants, and traffic officers, who shall comprise the division of highway safety and patrol, the total personnel of which shall not exceed () in number. The salaries of all such appointees shall be fixed by the commissioner subject to the approval of (the State financial officer or board exercising supervision with respect to salaries of other subordinate State officers and employees).

SEC. 20. *Powers and duties of commissioner.*—(a) The commissioner is hereby vested with the power and is charged with the duty of observing, administering, and enforcing the provisions of this act and of all laws regulating the operation of vehicles or the use of the highways the enforcement or administration of which is now or hereafter vested in the department.

(b) The commissioner is hereby authorized to adopt and enforce such rules and regulations as may be necessary to carry out the provisions of this act and any other laws the enforcement and administration of which are vested in the department.

(c) The commissioner may adopt an official seal for the use of the department.

SEC. 21. *Offices of department.*—The commissioner shall maintain an office in the State capital and in such other places in the State as he may deem necessary properly to carry out the powers and duties vested in the department.

SEC. 22. *Commissioner to prescribe forms.*—The commissioner shall prescribe and provide suitable forms of applications, certificates of title, registration cards, operators' and chauffeurs' licenses, and all other forms requisite or deemed necessary to carry out the provisions of this act and any other laws, the enforcement and administration of which are vested in the department.

SEC. 23. *Authority to administer oaths and certify copies of records.*—(a) Officers and employees of the department designated by the commissioner are for the purpose of administering the motor-vehicle laws, authorized to administer oaths and acknowledge signatures, and shall do so without fee.

(b) The commissioner and such officers of the department as he may designate are hereby authorized to prepare under the seal of the department and deliver upon request a certified copy of any record of the department, charging a fee of (50 cents) for each document so authenticated, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

SEC. 24. *Records of department.*—(a) All records of the department, other than those declared by law to be confidential for the use of the department, shall be open to public inspection during office hours.

(b) The commissioner may destroy any records of the department which have been maintained on file for 5 years which he may deem obsolete and of no further service in carrying out the powers and duties of the department.

SEC. 25. *Authority to grant or refuse applications.*—The department shall examine and determine the genuineness, regularity, and legality of every application for registration of a vehicle and for a certificate of title therefor and for an operator's or chauffeur's license, and of any other application lawfully made to the department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity, or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law.

SEC. 26. *Seizure of documents and plates.*—The department is hereby authorized to take possession of any certificate of title, registration card, permit, license, or registration plate issued by it upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued.

SEC. 27. *Distribution of synopsis of laws.*—The department may publish a synopsis or summary of the laws of this State regulating the operation of vehicles and may deliver a copy thereof without charge with each original vehicle registration and with each original operator's or chauffeur's license.

SEC. 28. *Department may summon witnesses and take testimony.*—(a) The commissioner and officers of the department designated by him shall have authority to summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the department. Such summons may require the production of relevant books, papers, or records.

(b) Every such summons shall be served at least 5 days before the return date, either by personal service made by any person over 18 years of age or by registered mail, but return acknowledgment is required to prove such latter service. Failure to obey such a summons so served shall constitute a misdemeanor. The fees for the attendance and travel of witnesses shall be the same as for witnesses before the (Superior Court).

(c) The (Superior Court) shall have jurisdiction, upon application by the commissioner, to enforce all lawful orders of the commissioner under this section.

SEC. 29. *Giving of notice.*—Whenever the department is authorized or required to give any notice under this act or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelop with postage prepaid, addressed to such person at his address as shown by the records of the department. The giving of notice by mail is complete upon the expiration of 4 days after

such deposit of said notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the department or affidavit of any person over 18 years of age, naming the person to whom such notice was given and specifying the time, place, and manner of the giving thereof.

SEC. 30. *Police authority of department.*—The commissioner and such officers and inspectors of the department as he shall designate and all members of the division of highway safety and patrol shall have the power:

1. Of peace officers for the purpose of enforcing the provisions of this act and of any other law regulating the operation of vehicles or the use of the highways.

2. To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this act or other law regulating the operation of vehicles or the use of the highways.

3. At all times to direct all traffic in conformance with law and in the event of a fire or other emergency or to expedite traffic or to insure safety to direct traffic as conditions may require notwithstanding the provisions of law.

4. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provision of this act or of any other law regulating the operation of vehicles to require the driver thereof to stop and exhibit his driver's license and the registration card issued for the vehicle and submit to an inspection of such vehicle, the registration plates and registration card thereon or to an inspection and test of the equipment of such vehicle.

5. To inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof.

6. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways.

7. To investigate traffic accidents and secure testimony of witnesses or of persons involved.

8. To investigate reported thefts of motor vehicles, trailers, and semitrailers.

SEC. 31. *Administration of division of highway safety and patrol.*—(a) The commissioner shall require that the division of highway safety and patrol properly patrol the highways of this State and cooperate with sheriffs and police in enforcing the laws regulating the operation of vehicles and the use of highways.

(b) The commissioner may establish a school for the training and education of the members of said division in traffic regulation, the promotion of traffic safety and enforcement of the laws regulating the operation of vehicles and the use of the highways.

(c) All members of said division when on duty shall be dressed in distinctive uniform and display a badge of office.

SEC. 32. *Badges of office.*—(a) The commissioner shall issue to each member of the division of highway safety and patrol a badge of authority with the seal of this State in the center thereof, the words (name of State) highway patrol encircling said seal and below the designation of the position held by the member to whom

issued. Every such badge shall be serially numbered or each member shall otherwise display a distinctive serial number.

(b) Neither the commissioner nor any other person shall issue any such badge to any person who is not a duly appointed and acting member of said division.

(c) Any person who without authority wears the badge of a member of said division, or a badge of similar design which would tend to deceive anyone, is guilty of a misdemeanor.

(d) Any person who impersonates a member of said division or other officer or employee of the department with intent to deceive anyone, or who without authority wears a uniform likely to be confused with the official uniform of any such officer, is guilty of a misdemeanor.

ARTICLE III

ORIGINAL AND RENEWAL OF REGISTRATION, ISSUANCE OF CERTIFICATES OF TITLE

SEC. 33. *Misdemeanor to violate provisions of article.*—It is a misdemeanor for any person to drive or move or for an owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered hereunder which is not registered or for which a certificate of title has not been issued or applied for or for which the appropriate fee has not been paid when and as required hereunder, except that when application accompanied by proper fee has been made for registration and certificate of title for a vehicle it may be operated temporarily pending complete registration upon displaying a duplicate application duly verified or other evidence of such application or otherwise under rules and regulations promulgated by the commissioner.

SEC. 34. *Vehicles subject to registration—Exception.*—Every motor vehicle, trailer, and semitrailer when driven or moved upon a highway shall be subject to the registration and certificate of title provisions of this act except:

1. Any such vehicle driven or moved upon a highway in conformance with the provisions of this act relating to manufacturers, transporters, dealers, lien holders, or nonresidents or under a temporary registration permit issued by the department as hereinafter authorized;

2. Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another;

3. Any implement of husbandry whether of a type otherwise subject to registration hereunder or not which is only incidentally operated or moved upon a highway;

4. Any special mobile equipment as herein defined;

5. No certificate of title need be obtained for any vehicle of a type subject to registration owned by the Government of the United States.

SEC. 35. *Application for registration and certificate of title.*—(a) Every owner of a vehicle subject to registration hereunder shall make application to the department for the registration thereof and issuance of a certificate of title for such vehicle upon the appropri-

ate form or forms furnished by the department and every such application shall bear the signature of the owner written with pen and ink and said signature shall be acknowledged by the owner before a person authorized to administer oaths and said application shall contain:

1. The name, bona fide residence and mail address of the owner or business address of the owner if a firm, association or corporation;
2. A description of the vehicle including, insofar as the herein-after specified data may exist with respect to a given vehicle, the make, model, type of body, the number of cylinders, the serial number of the vehicle, the engine or other number of the vehicle and whether new or used and if a new vehicle the date of sale by the manufacturer or dealer to the person intending to operate such vehicle;
3. A statement of the applicant's title and of all liens or encumbrances upon said vehicle and the names and addresses of all persons having any interest therein and the nature of every such interest (and the name and address of the person to whom the certificate of title shall be delivered by the department)⁸.
4. Such further information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

(b) When such application refers to a new vehicle purchased from a dealer the application shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer.

SEC. 36. *Application for specially constructed, reconstructed, or foreign vehicles.*—(a) In the event the vehicle to be registered is a specially constructed, reconstructed, or foreign vehicle, such fact shall be stated in the application and with reference to every foreign vehicle which has been registered heretofore outside of this State the owner shall surrender to the department all registration plates, registration cards, and certificates of title or other evidence of such foreign registration as may be in his possession or under his control except as provided in subdivision (b) hereof.

(b) Where in the course of interstate operation of a vehicle registered in another State it is desirable to retain registration of said vehicle in such other State, such applicant need not surrender but shall submit for inspection said evidences of such foreign registration and the department upon a proper showing shall register said vehicle in this State but shall not issue a certificate of title for such vehicle.

SEC. 37. *Temporary permit pending registration.*—The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration and certificate of title has been made where such application is accompanied by the proper fee, pending action upon said application by the department.

SEC. 38. *Grounds for refusing registration or certificate of title.*—The department shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

⁸ Part in parentheses to be omitted if provisions of sec. 41 (e), first part, are retained.

1. That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the department or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this act;

2. That the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;

3. That the department has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having valid lien upon such vehicle;

4. That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this State;

5. That the required fee has not been paid.

SEC. 39. *Examination of registration records and index of stolen and recovered vehicles.*—The department upon receiving application for original registration of a vehicle or any certificate of title shall first check the engine and serial number shown in the application against the indexes of registered motor vehicles and against the index of stolen and recovered motor vehicles required to be maintained by this act.

SEC. 40. *Registration indexes.*—The department shall file each application received and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled to register such vehicle and to the issuance of a certificate of title shall register the vehicle therein described and keep a record thereof in suitable books or on index cards as follows:

1. Under a distinctive registration number assigned to the vehicle;
2. Alphabetically, under the name of the owner;
3. Under the serial number if available, otherwise any other identifying number of the vehicle; and
4. In the discretion of the department, in any other manner it may deem desirable.

SEC. 41. *Department to issue certificate of title and registration card.*—(a) The department upon registering a vehicle shall issue a registration card and a certificate of title.

(b) The registration card shall be delivered to the owner and shall contain upon the face thereof the date issued, the name and address of the owner, the registration number assigned to the vehicle and such description of the vehicle as determined by the commissioner and upon the reverse side a form for endorsement of notice to the department upon transfer of the vehicle.

(c) The certificate of title shall contain upon the face thereof the identical information required upon the face of the registration card and in addition thereto a statement of the owner's title and of all liens and encumbrances upon the vehicle therein described and whether possession is held by the owner under a lease, contract of conditional sale, or other like agreement. Said certificate shall bear thereon the seal of the department.

(d) The certificate of title shall contain upon the reverse side a space for the signature of the owner and the owner shall write his

name with pen and ink in such space upon receipt of the certificate. Said certificate shall also contain upon the reverse side forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances upon the vehicle at the time of a transfer.

(e) The certificate of title shall be delivered to the owner in the event no lien or encumbrance appears thereon. Otherwise the certificate of title shall be delivered to the person (holding the first lien or encumbrance upon the vehicle as shown in the certificate) (or alternate) (to the person named to receive the same in the application for such certificate).⁴

SEC. 42. *Registration card to be signed, carried, and exhibited on demand.*—(a) Every owner upon receipt of a registration card shall write his signature thereon with pen and ink in the space provided. Every such registration card shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer or any officer or employee of the department.

(b) The provisions of this section requiring that a registration card be carried in the vehicle to which it refers or by the person driving the same shall not apply when such card is used for the purpose of making application for renewal of registration or upon a transfer of registration of said vehicle.

SEC. 43. *Registration plates to be furnished by the department.*—(a) The department upon registering a vehicle shall issue to the owner one registration plate for a motorcycle, trailer, or semitrailer and two registration plates for every other motor vehicle.

(b) Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, also the name of this State, which may be abbreviated, and the year number for which it is issued or the date of expiration thereof.

(c) Such registration plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of 100 feet during day light.

(d) The department shall issue for every passenger motor vehicle rented without a driver the same type of registration plates as the type of plates issued for private passenger vehicles.⁵

SEC. 44. *Display of registration plates.*—(a) Registration plates issued for a motor vehicle other than a motorcycle shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear thereof.

(b) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than

⁴ In sub. (e), alternate provisions are suggested. If first method is adopted, then sec. 35 (a) 3, last clause appearing in parentheses should be omitted.

⁵ It is suggested that in the interests of uniformity registration plates be kept within the limits of 8 to 12 inches in length and 5 to 8 inches in height. Present plates varying from 6 to 14½ inches in length and 4 to 8 inches in height make it impracticable to provide a suitable mounting on vehicles without overhang or interference with other equipment. It is understood that motor vehicle manufacturers contemplate providing a mounting for the rear registration plate separate from the red rear lamp but such rear registration plate to be illuminated at night by a special lamp.

12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

SEC. 45. *Expiration of registration.*—(a) Every vehicle registration under this act and every registration card and registration plate issued hereunder shall expire at midnight on the 31st day of December of each year.

(b) Certificates of title need not be renewed annually but shall remain valid until canceled by the department for cause or upon a transfer of any interest shown therein.

SEC. 46. *Application for and renewal of registration.*—(a) Application for renewal of a vehicle registration shall be made by the owner upon proper application and by payment of the registration fee for such vehicle, as provided by law.

(b) The department may receive applications for renewal of registration and grant the same and issue new registration cards and plates at any time prior to expiration of registration, but no person shall display upon a vehicle the new registration plates prior to December 15.

SEC. 47. *Notice of change of address or name.*—(a) Whenever any person after making application for or obtaining the registration of a vehicle or a certificate of title shall move from the address named in the application or shown upon a registration card or certificate of title such person shall within 10 days thereafter notify the department in writing of his old and new addresses.

(b) Whenever the name of any person who has made application for or obtained the registration of a vehicle or a certificate of title is thereafter changed by marriage or otherwise such person shall within 10 days notify the department of such former and new name.

SEC. 48. *Lost or damaged certificates, cards, and plates.*—(a) In the event any registration card or registration plate is lost, mutilated, or becomes illegible the owner or legal representative or successor in interest of the owner of the vehicle for which the same was issued as shown by the records of the department shall immediately make application for and may obtain a duplicate or a substitute or a new registration under a new registration number, as determined to be most advisable by the department, upon the applicant furnishing information satisfactory to the department.

(b) In the event any certificate of title is lost, mutilated, or becomes illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which the same was issued, as shown by the records of the department, shall immediately make application for and may obtain a duplicate upon the applicant furnishing information satisfactory to the department. Upon issuance of any duplicate certificate of title the previous certificate last issued shall be void.

SEC. 49. *Department may assign new identifying numbers.*—The department is authorized to assign a distinguishing number to a motor vehicle whenever the serial number thereon is destroyed or obliterated and to issue to the owner a special plate bearing such distinguishing number which shall be affixed to the vehicle in a position to be determined by the commissioner. Such motor vehicle

shall be registered under such distinguishing number in lieu of the former serial number.

SEC. 50. *Regulations governing change of motors.*—The Commissioner is authorized to adopt and enforce such registration rules and regulations as may be deemed necessary and compatible with the public interest with respect to the change or substitution of one engine in place of another in any motor vehicle.

SEC. 51. *Department to issue registration bulletins.*—The Commissioner shall annually, following renewal of registration compile and publish in books or bulletins a list of all registered vehicles and shall thereafter compile and publish supplements thereto at least every 3 months. The list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof.

(b) The commissioner shall furnish a copy of such registration lists without charge to any police department filing request for the same on or before January 15 of each year and shall furnish a copy thereof upon payment of a uniform amount approximating the cost thereof as determined by the commissioner to any other person or agency filing written request for the same on or before January 15 of the year for which such lists are published.

ARTICLE IV

TRANSFERS OF TITLE OR INTEREST⁶

SEC. 52. *Registration expires on transfer by owner.*—(a) Whenever the owner of a registered vehicle transfers or assigns his title, or interest thereto, the registration of such vehicle shall expire. The owner shall remove the registration plates therefrom and forward the same to the department or may have such plates and the registration number thereon assigned to another vehicle upon payment of the fees required by law and subject to the rules and regulations of the department.

(b) The owner shall also endorse the name and address of the transferee and the date of transfer upon the reverse side of the registration card issued for such vehicle and shall immediately forward such card to the department.

(c) The owner shall also endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens or encumbrances thereon, which statement shall be verified under oath by the owner, and he shall deliver the certifi-

⁶Approximately one-half of the States provide that upon a transfer registration expires and the transferee shall obtain a new registration under a new number. This method is recommended by the National Conference on Street and Highway Safety upon the ground that it renders identification of the owner of a motor vehicle more positive than the alternate system. However, approximately one-half of the States provide that upon a transfer the registration plates remain with the vehicle and the transferee is required to obtain a transfer of the existing registration and registration number to his name. These two methods involve considerable differences in respect to detailed provisions.

The first method is followed in secs. 52, 53, 54, 55, and 56, while the second method of transfer is covered in alternate sections of the same numbers following the first series.

cate of title to the purchaser or transferee at the time of delivering the vehicle, except as hereinafter provided in section 63.⁷

SEC. 53. *New owner must secure new registration and certificate of title.*—(a) The transferee before operating or permitting the operation of such vehicle upon a highway shall apply for and obtain the registration thereof, as upon an original registration, except as otherwise permitted in sections 54 and 55.

(b) A transferee shall at the same time present the certificate of title endorsed and assigned as hereinbefore provided to the department and make application for and obtain a new certificate of title for such vehicle, except as otherwise permitted in sections 54 and 55.

SEC. 54. *Transfers to dealers.*—(a) When the transferee of a vehicle is a dealer who holds the same for resale and lawfully operates the same under dealers' number plates or when the transferee does not drive such vehicle or permit it to be driven upon the highways, such transferee shall not be required to obtain a new registration of said vehicle nor required to forward the certificate of title to the department, but such transferee upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same to the person to whom such transfer is made.

(b) Whenever a dealer purchases or otherwise acquires a previously registered vehicle the dealer shall immediately notify the department giving the name of the former owner and a sufficient description of the vehicle to identify the same.

SEC. 55. *Transfer by operation of law.*—(a) Whenever the title or interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary transfer, the registration thereof shall expire and the vehicle shall not be operated upon the highways unless and until the person entitled to possession of such vehicle shall apply for and obtain the registration thereof, except that such vehicle may be operated by the person entitled to its possession or his legal representative upon the highways for a distance not exceeding 75 miles upon displaying upon such vehicle the registration plates issued to the former owner, or in the event title has become vested in the person holding a lien or encumbrance upon said vehicle such person may apply to the department for and obtain special plates as may be issued under this act to dealers and may operate any said repossessed vehicle under such special plates only for purposes of transporting the same to a garage or warehouse or for purposes of demonstrating or selling the same.

(b) Upon any such transfer the new owner may either secure a new registration and certificate of title upon proper application and upon presentation of the last certificate of title if available, and such instruments or documents of authority or certified copies thereof as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case, or such

⁷ It may be desirable to omit subdivision (b) of sec. 52 in those States in which it is the administrative practice to require that an owner who has sold his motor vehicle shall retain the registration card and submit the same as evidence of his former registration upon applying for registration of another vehicle under the registration number and plates assigned to the former vehicle which has been sold.

new owner upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title previously issued if available and deliver the same, also the documents of authority or certified copies thereof as may be sufficient or required by law to evidence the rights of such person, to the person to whom such transfer is made.

SEC. 56. When department to reregister vehicle and issue new certificate.—(a) The department upon receipt of a properly endorsed certificate of title and proper application for registration accompanied by the required fee and when satisfied as to the genuineness and regularity of said transfer and of the right of the transferee to a certificate of title shall reregister the vehicle as upon a new registration in the name of the new owner and issue a new certificate of title as upon an original application.

(b) The department shall retain and appropriately file every surrendered certificate of title, such file to be so maintained as to permit the tracing of title of the vehicles designated therein.

ALTERNATE SEC. 52. Transfer by owner.—(a) Whenever the owner of a registered vehicle transfers or assigns his title or interest thereto, the registration plates issued for such vehicle shall remain attached thereto.

(b) The owner shall remove the registration card issued for such vehicle and endorse upon the reverse side of such card the name and address of the transferee and the date of transfer and shall immediately forward such card to the department.

(c) The owner shall also endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens or encumbrances thereon, which statement shall be verified under oath by the owner, and he shall deliver the certificate of title to the purchaser or transferee at the time of delivering the vehicle except as hereinafter provided in section 63.

ALTERNATE SEC. 53. New owner to secure transfer of registration and new certificate of title.—The transferee within 5 days after a transfer shall apply to the department for a transfer of registration of the vehicle and shall present the certificate of title endorsed and assigned as hereinbefore provided to the department and make application for and obtain a new certificate of title for such vehicle except as otherwise permitted in sections 54 and 55.

ALTERNATE SEC. 54. Transfers to dealers.—(a) When the transferee of a vehicle is a dealer who holds the same for resale and operates the same only for purposes incident to a resale and displays thereon the registration plates issued for such vehicle or when a transferee does not drive such vehicle or permit it to be driven upon the highways, the transferee shall not be required to obtain transfer of registration of such vehicle or forward the certificate of title to the department but such transferee upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same to the person to whom such transfer is made.

(b) Whenever a dealer purchases or otherwise acquires a previously registered vehicle the dealer shall immediately notify the department, giving the name of the former owner and a sufficient description of the vehicle to identify the same.

ALTERNATE SEC. 55. Transfer by operation of law.—(a) Whenever the title or interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary transfer the transferee shall be subject to the provisions of this section.

(b) Such transferee, except as provided in the next paragraph, shall secure a transfer of registration to himself and a new certificate of title upon proper application and upon presentation of the last certificate of title if available and such instruments or documents of authority or certified copies thereof as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.

(c) When the transferee does not operate or permit the operation of such vehicle upon the highways or when the transferee operates such vehicle only for purposes of immediate delivery or resale to another person and displays upon such vehicle the registration plates issued for such vehicle, the transferee shall not be required to secure a transfer of its registration or a new certificate of title, but upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title previously issued if available and deliver the same, also the documents of authority or certified copies thereof as may be sufficient or required by law to evidence the rights of such person, to the person to whom such transfer is made.

ALTERNATE SEC. 56. When department to transfer registration and issue new certificate.—(a) The department, upon receipt of a properly endorsed certificate of title and application for transfer of registration accompanied by the required fee, shall transfer the registration thereof under its registration number to the new owner and shall issue a new registration card and certificate of title as upon an original registration.

(b) The department shall retain and appropriately file every surrendered certificate of title, such file to be so maintained as to permit the tracing of title of the vehicles designated therein.

SEC. 57. Manufacturer or dealer to give notice of sale or transfer.—Every manufacturer or dealer upon transferring a vehicle of a type subject to registration hereunder, whether by sale, lease, or otherwise, to any person other than a manufacturer or dealer, shall immediately give written notice of such transfer to the department upon the official form provided by the department. Every such notice shall contain the date of such transfer, the names and addresses of the transferor and transferee, and such description of the vehicle as may be called for in such official form.

SEC. 58. Assignment by person holding lien.—Any person holding a lien or encumbrance upon a vehicle other than a lien dependent solely upon possession may assign his title or interest in or to such vehicle to a person other than the owner without the consent of and without affecting the interest of such owner or the registration of such vehicle, but in such event shall give to the owner a written notice of such assignment. The department, upon receiving a certificate of title assigned by the holder of a lien or encumbrance shown thereon and giving the name and address of the assignee, shall issue a new certificate of title as upon an original application.

SEC. 59. *Release by lien holder to owner.*—A person holding a lien or encumbrance as shown upon a certificate of title upon a vehicle may release such lien or encumbrance or assign his interest to the owner without affecting the registration of said vehicle. The department, upon receiving a certificate of title upon which a lien holder has released or assigned his interest to the owner or upon receipt of a certificate of title not so endorsed but accompanied by a legal release from a lien holder of his interest in or to a vehicle, shall issue a new certificate of title as upon an original application.

SEC. 60. *Failure to deliver certificate a misdemeanor.*—It is a misdemeanor for any person to fail or neglect to properly endorse and deliver a certificate of title to a transferee or owner lawfully entitled thereto.

SEC. 61. *Owner after transfer not liable for negligent operation.*—The owner of a motor vehicle who has made a bona fide sale or transfer of his title or interest and who has delivered possession of such vehicle and the certificate of title thereto properly endorsed to the purchaser or transferee shall not be liable for any damages thereafter resulting from negligent operation of such vehicle by another.

SEC. 62. *Owner dismantling or wrecking vehicle to return evidences of registration.*—Any owner dismantling or wrecking any registered vehicle shall immediately forward to the department the certificate of title, registration card, and the registration plate or plates last issued for such vehicle.

SEC. 63. *Sale of motor vehicle to be dismantled.*—Any owner who sells a motor vehicle as scrap or to be dismantled or destroyed shall assign the certificate of title thereto to the purchaser and shall deliver such certificate so assigned to the department with an application for a permit to dismantle such vehicle. The department shall thereupon issue to the purchaser a permit to dismantle the same which shall authorize such person to possess or transport such motor vehicle or to transfer ownership thereto by endorsement upon such permit. A certificate of title shall not again be issued for such motor vehicle in the event it is scrapped, dismantled, or destroyed.

ARTICLE V

FILING INSTRUMENTS EVIDENCING LIENS OR ENCUMBRANCES⁸

SEC. 64. *Filing liens and encumbrances.*—(a) No conditional sale contract, conditional lease, chattel mortgage, or other lien or encumbrance or title retention instrument upon a registered vehicle, other than a lien dependent upon possession, is valid as against the creditors of an owner acquiring a lien by levy or attachment or

⁸ The provisions of this article relating to the central filing with the department of instruments creating or evidencing liens and encumbrances upon vehicles of a type subject to registration are prepared as supplementary to the other provisions of this act relating to issuance of certificates of title. If any State so desires it may omit this article in its entirety without destroying the effectiveness of the other portions of this act relating to issuance of certificates of title. However, the inclusion of this article renders more certain that certificates of title will truly represent all interests in a registered vehicle and will avoid the necessity of filing instruments creating or evidencing liens or encumbrances against a registered vehicle with county officers or other local officials as may otherwise be provided by law, which method of filing has not been sufficiently effective to prevent fraud against owners and those holding liens upon motor vehicles.

subsequent purchasers or encumbrancers without notice until the requirements of this article have been complied with.

(b) There shall be deposited with the department a copy of the instrument creating and evidencing such lien or encumbrance, which instrument is executed in the manner required by the laws of this State with an attached or endorsed certificate of a notary public stating that the same is a true and correct copy of the original and accompanied by the certificate of title last issued for such vehicle.

(c) If the vehicle is of a type subject to registration hereunder but has not been registered and no certificate of title has been issued therefor then the certified copy of the instrument creating such lien or encumbrance shall be accompanied by an application by the owner in usual form for an original registration and issuance of an original certificate of title. In every such event such application shall be accompanied by the fee or fees as provided in this act.

(d) Upon receipt of application and documents as hereinabove provided, the department shall file the same, endorsing thereon the date and hour received at the central office of the department and when satisfied as to the genuineness and regularity of said application shall issue a new certificate of title in usual form giving the name of the owner and a statement of all liens or encumbrances certified to the department as herein provided as existing against said vehicle.

(e) The department shall maintain an appropriate index of all lien, encumbrance, or title retention instruments filed as herein provided.

SEC. 65. *Filing effective to give notice.*—(a) Such filing and the issuance of a new certificate of title as provided in this article shall constitute constructive notice of all liens and encumbrances against the vehicle described therein to creditors of the owner, to subsequent purchasers and encumbrancers except such liens as may be authorized by law dependent upon possession. In the event the documents referred to in section 64 are received and filed in the central office of the department within 10 days after the date said documents were executed the constructive notice shall date from the time of the execution of said documents. Otherwise constructive notice shall date from the time of receipt and filing of such documents by the department as shown by its endorsement thereon.

(b) The method provided in this article of giving constructive notice of a lien or encumbrance upon a registered vehicle shall be exclusive except as to liens dependent upon possession and any said lien or encumbrance or title retention instrument filed as herein provided and any documents evidencing the same are hereby exempted from the provisions of law which otherwise require or relate to the recording or filing of instruments creating or evidencing title retention or other liens or encumbrances upon vehicles of a type subject to registration hereunder.⁹

⁹ Upon adoption of secs. 64 and 65 it may be necessary to amend the existing recording statutes to exempt from the requirements of such statutes those instruments creating liens or encumbrances upon registered vehicles.

ARTICLE VI

PERMITS TO NONRESIDENT OWNERS

SEC. 66. *Nonresident owners exempt from registration.*—(a) A nonresident owner, except as otherwise provided in this section, owning any foreign vehicle of a type otherwise subject to registration hereunder may operate or permit the operation of such vehicle within this State without registering such vehicle in, or paying any fees to, this State subject to the condition that such vehicle at all times when operated in this State is duly registered in, and displays upon it a valid registration card and registration plate or plates issued for such vehicle in the place of residence of such owner.

(b) A nonresident owner of a foreign vehicle operated within this State for the transportation of persons or property for compensation or for the transportation of merchandise, either regularly according to a schedule or for a consecutive period exceeding 30 days, shall register such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this State.

(c) Every nonresident, including any foreign corporation carrying on business within this State and owning and regularly operating in such business any motor vehicle, trailer, or semitrailer within this State, shall be required to register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this State.

ARTICLE VII

ISSUANCE OF SPECIAL PLATES TO MANUFACTURERS, TRANSPORTERS, AND DEALERS

SEC. 67. *Operation of vehicles under special plates.*—(a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways solely for purposes of transporting, testing, demonstrating, or selling the same without registering each such vehicle upon condition that any such vehicle display thereon in the manner prescribed in section 44 hereof a special plate or plates issued to such owner as provided in this article.

(b) Also, a transporter may operate or move any vehicle of like type upon the highways solely for the purpose of delivery upon likewise displaying thereon like plates issued to him as provided in this article.

(c) The provisions of this article shall not apply to work or service vehicles owned by a manufacturer, transporter, or dealer.

SEC. 68. *Application for and issuance of certificate and special plates.*—(a) Any manufacturer, transporter, or dealer may make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more pairs of special plates or single special plates as appropriate to various types of vehicles subject to registration hereunder. The applicant shall also submit proof of his status as a bona fide man-

facturer, transporter, or dealer as may reasonably be required by the department.

(b) The department, upon granting any such application, shall issue to the applicant a certificate containing the applicant's name and address and the general distinguishing number assigned to the applicant.

(c) The department shall also issue special plates as applied for, which shall have displayed thereon the general distinguishing number assigned to the applicant. Each plate or pair of plates so issued shall also contain a number or symbol identifying the same from every other plate or pair of plates bearing the same general distinguishing number.

SEC. 69. *Expiration of special plates.*—Every special plate issued hereunder shall expire at midnight on the 31st day of December of each year, and a new plate or plates for the ensuing year may be obtained by the person to whom any such expired plate or plates was issued upon application to the department and payment of the fee provided by law.

SEC. 70. *Manufacturers, transporters, and dealers to maintain records.*—Every manufacturer, transporter, or dealer shall keep a written record of the vehicles upon which such special plates are used and the time during which each set of plates is used on a particular vehicle, which record shall be open to inspection by any police officer or any officer or employee of the department.

ARTICLE VIII

MOTOR CAR DEALERS AND WRECKERS MUST BE LICENSED

SEC. 71. *Dealers and wreckers must be licensed.*—(a) No person unless licensed so to do by the department, under the provisions of this act, shall carry on or conduct the business of—

1. A dealer in motor vehicles, trailers, or semitrailers.
2. A dealer in used parts or used accessories of motor vehicles.
3. A dealer in motor-vehicle tires.
4. Wrecking or dismantling any such vehicle for resale of the parts thereof.

(b) Application for a dealer's or wrecker's license shall be made upon the form prescribed by the department and shall contain the name and address of the applicant; and when the applicant is a partnership, the name and address of each partner; or when the applicant is a corporation, the names of the principal officers of the corporation and the State in which incorporated, and the place or places where the business is to be conducted, and the nature of such business, and such other information as may be required by the department. Every such application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer thereof. Every such application shall be accompanied by the fee required by law.

SEC. 72. *Department to issue license certificate.*—(a) The department, upon receiving application accompanied by the required fee, and when satisfied that the applicant is of good character, and so far

as can be ascertained has complied with and will comply with the laws of this State with reference to the registration of vehicles and certificates of title and the provisions of this act, shall issue to the applicant a license certificate which shall entitle the licensee to carry on and conduct the business of a dealer or wrecker, as the case may be, during the calendar year in which the license is issued. Every such license shall expire on December 31st of each year, and may be renewed upon application and payment of the fee required by law.

(b) The department may refuse to issue a license or, after written notice to the licensee and a hearing, may cancel a license when satisfied that the applicant for a license or the licensee has failed to comply with the provisions of this act.

(c) Any licensee, before removing any one or more of his places of business, or opening any additional place of business, shall apply to the department for and obtain a supplemental license, for which no fee shall be charged.

SEC. 73. *Records of purchases and sales and of cars wrecked.*—
(a) Every licensee shall maintain a record in form as prescribed by the department of—

1. Every vehicle of a type subject to registration hereunder which is bought, sold, or exchanged by the licensee or received or accepted by the licensee for sale or exchange;

2. Every used part or used accessory which is bought or otherwise acquired and of every motor-vehicle body, chassis, or motor-vehicle engine which is sold or otherwise disposed of;

3. Every such vehicle which is bought or otherwise acquired and wrecked by the licensee.

(b) Every said record shall state the name and address of the person from whom such vehicle or used part or accessory was purchased or acquired and the date thereof and the name and address of the person to whom any such vehicle or motor-vehicle body, chassis, or motor-vehicle engine was sold or otherwise disposed of and the date thereof and a sufficient description of every such vehicle, part, accessory, body, chassis, or motor-vehicle engine by name and identifying numbers thereon to identify the same.

(c) Every such record shall be open to inspection by any peace officer during reasonable business hours.

ARTICLE IX

SPECIAL ANTITHEFT LAWS

SEC. 74. *Report of stolen and recovered motor vehicles.*—
(a) Every sheriff, chief of police, or peace officer upon receiving reliable information that any vehicle registered hereunder has been stolen shall immediately (or) (not later than 1 week after receiving such information) report such theft to the department unless prior thereto information has been received of the recovery of such vehicle. Any said officer upon receiving information that any vehicle, which he has previously reported as stolen, has been recovered, shall immediately report the fact of such recovery to the local sheriff's office or police department and to the department.

SEC. 75. *Reports by owners of stolen and recovered vehicles.*—The owner, or person having a lien or encumbrance upon a registered

vehicle which has been stolen or embezzled, may notify the department of such theft or embezzlement, but in the event of an embezzlement may make such report only after having procured the issuance of a warrant for the arrest of the person charged with such embezzlement.

Every owner or other person who has given any such notice must notify the department of a recovery of such vehicle.

SEC. 76. *Action by department on report of stolen or embezzled vehicle.*—(a) The department upon receiving a report of a stolen or embezzled vehicle as hereinbefore provided shall file and appropriately index the same and shall immediately suspend the registration of the vehicle so reported and shall not transfer the registration of the same until such time as it is notified in writing that such vehicle has been recovered.

(b) The department shall at least once each week compile and maintain at its headquarters office a list of all vehicles which have been stolen or embezzled or recovered as reported to it during the preceding week and such lists shall be open to inspection by any peace officer or other person interested in any such vehicle.

SEC. 77. *Unlawful taking of a vehicle.*—Any person who drives a vehicle, not his own, without the consent of the owner thereof, and with intent temporarily to deprive said owner of his possession of such vehicle, without intent to steal the same, is guilty of a misdemeanor. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving of such vehicle by the same or a different person. Any person who assists in, or is a party or accessory to or an accomplice in any such unauthorized taking or driving, is guilty of a misdemeanor.

SEC. 78. *Receiving or transferring stolen vehicle.*—Any person who, with intent to procure or pass title to a vehicle which he knows or has reason to believe has been stolen or unlawfully taken, receives, or transfers possession of the same from or to another, or who has in his possession any vehicle which he knows or has reason to believe has been stolen or unlawfully taken, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, is guilty of a felony.

SEC. 79. *Injuring or tampering with vehicle.*—(a) Any person who either individually or in association with one or more other persons willfully injures or tampers with any vehicle or breaks or removes any part or parts of or from a vehicle without the consent of the owner is guilty of a misdemeanor.

(b) Any person who with intent to commit any malicious mischief, injury, or other crime climbs into or upon a vehicle whether it is in motion or at rest or with like intent attempts to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a vehicle while the same is at rest and unattended or with like intent sets in motion any vehicle while the same is at rest and unattended is guilty of a misdemeanor.

SEC. 80. *Vehicles without manufacturers' numbers.*—Any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any motor vehicle, or engine removed from a motor vehicle, from which the manufacturer's serial or engine number or other distinguishing number or identification mark or number

placed thereon under assignment from the department has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of said motor vehicle or engine is guilty of a misdemeanor.

SEC. 81. *Altering or changing engine or other numbers.*—(a) No person shall with fraudulent intent deface, destroy, or alter the manufacturer's serial or engine number or other distinguishing number or identification mark of a motor vehicle nor shall any person place or stamp any serial, engine, or other number or mark upon a motor vehicle, except one assigned thereto by the department. Any violation of this provision is a misdemeanor.

(b) This section shall not prohibit the restoration by an owner of an original serial, engine, or other number or mark when such restoration is made under permit issued by the department, nor prevent any manufacturer from placing in the ordinary course of business numbers or marks upon motor vehicles or parts thereof.

ARTICLE X

OFFENSES AGAINST REGISTRATION LAWS AND SUSPENSION OR REVOCATION OF REGISTRATION

SEC. 82. *Fraudulent applications.*—Any person who fraudulently uses a false or fictitious name in any application for the registration of a vehicle or a certificate of title, or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application, shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year or both.

SEC. 83. *Operation of vehicles without evidences of registration.*—No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle required to be registered hereunder unless there shall be attached thereto and displayed thereon when and as required by this act a valid registration card and registration plate or plates issued therefor by the department for the current registration year except as otherwise expressly permitted in this act. Any violation of this section is a misdemeanor.

SEC. 84. *Improper use of evidences of registration.*—No person shall lend to another any certificate of title, registration card, registration plate, special plate, or permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any registration card, registration plate or permit not issued for such vehicle or not otherwise lawfully used thereon under this act. Any violation of this section is a misdemeanor.

SEC. 85. *False evidences of title and registration.*—It is a felony for any person to commit any of the following acts:

1. To alter with fraudulent intent any certificate of title, registration card, registration plate, or permit issued by the department.

2. To forge or counterfeit any such document or plate purporting to have been issued by the department.

3. To alter or falsify with fraudulent intent or forge any assignment upon a certificate of title.

4. To hold or use any such document or plate knowing the same to have been so altered, forged, or falsified.

SEC. 86. *Authority of department to suspend or revoke a registration.*—The department is hereby authorized to suspend or revoke the registration of a vehicle or a certificate of title, registration card, or registration plate, or any nonresident or other permit in any of the following events:

1. When the department is satisfied that such registration or that such certificate, card, plate, or permit was fraudulently or erroneously issued;

2. When the department determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;

3. When a registered vehicle has been dismantled or wrecked;

4. When the department determines that the required fee has not been paid and the same is not paid upon reasonable notice and demand;

5. When a registration card, registration plate, or permit is knowingly displayed upon a vehicle other than the one for which issued;

6. When the department determines that the owner has committed any offense under this article involving the registration or the certificate, card, plate, or permit to be suspended or revoked; or

7. When the department is so authorized under any other provision of law.

SEC. 87. *Suspending or revoking certificate or special plates of a manufacturer, transporter, or dealer.*—The department is also authorized to suspend or revoke a certificate or the special plates issued to a manufacturer, transporter, or dealer upon determining that any said person is not lawfully entitled thereto or has made or knowingly permitted any illegal use of such plates or has committed fraud in the registration of vehicles or failed to give notices of transfers when and as required by this act.

SEC. 88. *Owner to return evidences of registration upon cancellation, suspension, or revocation.*—Whenever the department as authorized hereunder cancels, suspends, or revokes the registration of a vehicle or a certificate of title, registration card, or registration plate or plates, or any nonresident or other permit or the license of any dealer or wrecker, the owner or person in possession of the same shall immediately return the evidences of registration, title, or license so canceled, suspended, or revoked to the department.

ARTICLE XI

REGISTRATION AND LICENSE FEES¹⁰

SEC. 89. *Registration fees.*—The following registration fees shall be paid to the department for the registration of motor vehicles, trailers, and semitrailers, subject to registration hereunder.¹¹

¹⁰ The revenue provisions of the vehicle statutes vary both as to character of fees imposed and amounts. This draft does not suggest what fees shall be imposed but includes this article in outline as indicating an appropriate place wherein registration fees may be incorporated by each State upon adopting this act.

¹¹ It is recommended that those States which impose special fees upon commercial vehicles should graduate such fees according to the gross weight of such vehicles giving due regard to tire capacity.

SEC. 90. *Reduced fees for portion of a year.*

SEC. 91. *Exemption from registration fees.¹²*

SEC. 92. *Fees to be paid by manufacturers, transporters, and dealers.*

SEC. 93. *Fees upon transfer of registration and issuance of certificates of title.*

SEC. 94. *When fees delinquent—Penalties.*

SEC. 95. *Seizure and sale of vehicle for nonpayment of fees.*

SEC. 96. *Fees for duplicate registration plates, registration cards, and certificates of title.*

SEC. 97. *When fees returnable.*—(a) Whenever any application to the department is accompanied by any fee as required by law and such application is refused or rejected said fee shall be returned to said applicant.

(b) Whenever the department through error collects any fee not required to be paid hereunder the same shall be refunded to the person paying the same upon application therefor made within 6 months after the date of such payment.

SEC. 98. *Disposition of fees.*

ARTICLE XII

PENALTIES

SEC. 99. *Penalty for misdemeanor.*—(a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this State declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any provisions of this act shall be punished by a fine of not more than (\$500) or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

SEC. 100. *Penalty for felony.*—Any person who is convicted of a violation of any of the provisions of this act herein or by the laws of this State declared to constitute a felony shall be punished by imprisonment for a term not less than 1 year nor more than 5 years, or by a fine of not less than \$500 nor more than \$5,000, or by both such fine and imprisonment.

SEC. 101. *Disposition of fines and forfeitures.*—(a) All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions in this act constituting a misdemeanor shall be deposited in the treasury of the State (or the county, city, or town) maintaining the court wherein such conviction or forfeiture was had in a special fund to be known as the "highway-improvement fund", which is hereby created, and which shall be used exclusively in the construction, maintenance, and repair of public highways, bridges, and highway structures or for the installation and maintenance of traffic control devices thereon within such respective jurisdictions.

(b) Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of such fine or for-

¹² Vehicle statutes generally exempt vehicles owned by the State or political subdivision thereof from payment of fees but require that all such vehicles shall be registered and display number plates usually bearing a distinct symbol.

feiture either before or after a deposit in said highway-improvement fund to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

ARTICLE XIII

EFFECT OF AND SHORT TITLE OF ACT

SEC. 102. *Uniformity of interpretation.*—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those States which enact it.

SEC. 103. *Short title.*—This act may be cited as the Uniform Motor Vehicle Administration, Certificate of Title and Antitheft Act.

SEC. 104. *Constitutionality.*—If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

SEC. 105. *Repeal.*—The (existing registration act) is hereby repealed except (revenue or other provisions in existing laws not embraced in the present act) and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 106. *Time of taking effect.*—This act shall take effect from and after the _____ day of _____.

Table showing source of present provisions of act I of the uniform vehicle code

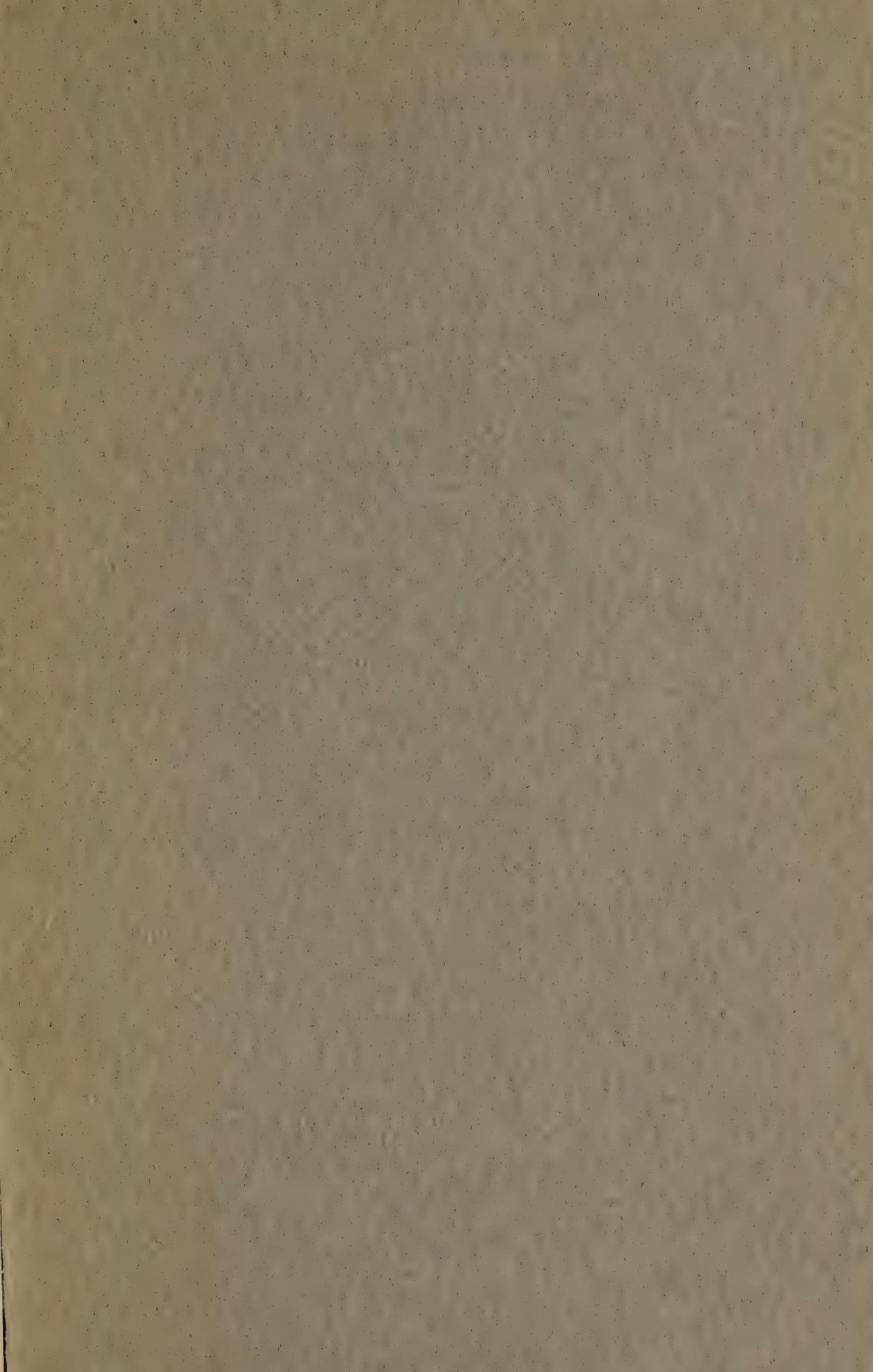
[In this act I as approved and recommended by the Fourth National Conference in 1934, former acts I and II of the uniform vehicle code as published in 1930 are consolidated, revised, and amplified. This table lists all sections of revised act I and indicates that the material is new or that it is taken from the sections of former acts I or II. In the latter case the word "identical" means that there has been no change in the text, the word "reworded" means rewritten for purposes of clarity and accuracy without material change in legal effect, while the word "revised" indicates some change in meaning or effect]

Section and subdivision of act I as revised	Source—act, section, and subdivision	Explanation
1	I, 1	In part.
2a	I, 1a	Identical.
b	I, 1b	Revised.
c	I, 1c	Do.
3a	I, 1d	Identical.
b	I, 1e	Do.
c	I, 1f	Do.
4a	I, 1g	Reworded.
b	I, 1h	Do.
5a	I, 1i	Do.
b	I, 1k	Do.
c	I, 1j	Do.
6	I, 1l	Do.
7	New	
8	do	
9a	I, 1m	Do.
b	I, 1n	Revised.
c	I, 1o	Identical.
10a	I, 1w	Reworded.
b	I, 1v	Do.
11a	I, 1p	Identical.
b	I, 1q	Do.
12	I, 1r	Do.
13a	I, 1t	Reworded.
b	New	
c	I, 1s	Revised.
14	New	
15	I, 1u	Reworded.
16	New	
17	I, 2	Do.
18	New	
19	do	
20	I, 3	
21	I, 4	Amplified.
22	I, 30	

Table showing source of present provisions of act I of the uniform vehicle code—Continued

Section and subdivision of act I as revised	Source—act, section, and subdivision	Explanation
23a	II, 4b	
b	New	
24a	I, 5	Revised.
b	New	
25	I, 11	Amplified.
26	New	
27	do	
28	do	
29	do	
30	do	
31	do	
32	do	
33	I, 27; II, 30	Revised.
34	I, 8, 9; II, 3	Do.
35	I, 10a; II, 4	Do.
36a	I, 10b	
b	New	
37	do	
38, 1, 3, 5	I, 25; II, 5	
38, 2, 4	New	
39	II, 5a	
40	I, 11	
41	I, 12; II, 5a	Do.
42	I, 13	Do.
43	I, 14	Do.
44	I, 15	
45a	I, 16	Do.
b	II, 5b	
46	I, 16	Do.
47	New	
48	I, 21; II, 9	Do.
49	II, 13a	Do.
50	New	
51	do	
52	I, 17; II, 6b	
53	I, 17c; II, 6c	
54a	I, 17c, 18; II, 6d	
b	New	
55	I, 17d; II, 6e	Do.
56	I, 17; II, 6c	Do.
Alt. 52	New	
Alt. 53	do	
Alt. 54	do	
Alt. 55	do	
Alt. 56	do	
Alt. 57	I, 19	
Alt. 58	New	
Alt. 59	do	
Alt. 60	do	
Alt. 61	do	
Alt. 62	do	
Alt. 63	do	
64	do	
65	do	
65a	I, 20	
b	(i)	
c	I, 20	
67	I, 18	
68	do	
69	I, 18a	
70	do	
71	II, 14	Amplified.
72	II, 15	Do.
73	II, 16	
74	II, 12	
75	New	
76	II, 12	
77	I, 32	
78	II, 13½	
79	I, 34 to 35	Revised.
80	New	Reworded.
81	II, 13b	Do.
82	I, 27, II, 10 to 18	
83	I, 27	
84	do	
85	I, 27; II, 11	Amplified.
86	I, 26; II, 8	Do.
87	I, 26	Do.
88	I, 27, par. 4	Do.
89 to 106		

¹ Restored from prior draft.



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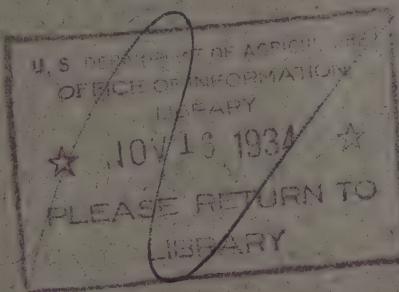
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Act II

UNIFORM MOTOR VEHICLE
OPERATORS' AND CHAUFFEURS'
LICENSE ACT

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Act II

UNIFORM MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE ACT

This Act is part of a
Uniform Vehicle Code

CONSISTING OF

- I.—“Uniform Motor Vehicle Administration, Registration, Certificate of Title and Antitheft Act”
- II.—“Uniform Motor Vehicle Operators' and Chauffeurs' License Act”
- III.—“Uniform Motor Vehicle Civil Liability Act”
- IV.—“Uniform Motor Vehicle Safety Responsibility Act”
- V.—“Uniform Act Regulating Traffic on Highways”

As revised and approved by the Fourth National Conference on Street
and Highway Safety, May 23-25, 1934

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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

ACT II.—UNIFORM MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE ACT

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ACT II.—UNIFORM MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE ACT

TITLE OF ACT

An act relating to the licensing of persons operating motor vehicles upon highways and to make uniform the law relating thereto.

*Be it enacted, * * **

ARTICLE I

WORDS AND PHRASES DEFINED

SECTION 1. *Definitions.*—The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this article.

SEC. 2. (a) *Vehicle.*—Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) *Motor vehicle.*—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) *Farm tractor.*—Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(d) *School bus.*—Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

SEC. 3. (a) *Person.*—Every natural person, firm, copartnership, association, or corporation.

(b) *Operator.*—Every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

(c) *Chauffeur.*—Every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

(d) *Owner.*—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

SEC. 4. *Nonresident.*—Every person who is not a resident of this State.

SEC. 5. Street or highway.—The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.¹

SEC. 6. (a) Commissioner.—The commissioner of motor vehicles of this State.

(b) Department.—The department of motor vehicles of this State acting directly or through its duly authorized officers and agents.

ARTICLE II

ISSUANCE OF LICENSES, EXPIRATION, AND RENEWAL

SEC. 7. Operators and chauffeurs must be licensed.—(a) No person, except those hereinafter expressly exempted shall drive any motor vehicle upon a highway in this State unless such person has a valid license as an operator or chauffeur under the provisions of this act. No person shall operate a motor vehicle as a chauffeur unless he holds a valid chauffeur's license.

(b) Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

SEC. 8. What persons are exempt from license.—The following persons are exempt from license hereunder:

1. Any person while operating a motor vehicle in the service of the Army, Navy, or Marine Corps of the United States;

2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;

3. A nonresident who is at least 16 years of age and who has in his immediate possession a valid operator's license issued to him in his home State or country may operate a motor vehicle in this State only as an operator;

4. A nonresident who is at least 18 years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home State or country may operate a motor vehicle in this State either as an operator or chauffeur except any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this State;

5. Any nonresident who is at least 18 years of age, whose home State or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered in the home State or country of such nonresident.

SEC. 9. What persons shall not be licensed.—The department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of 16 years, except that the department may issue a restricted license as hereinafter provided to any person who is at least 14 years of age;²

¹ This definition renders the terms "street" and "highway" synonymous and interchangeable.

² It is recognized that the desirable minimum age limit for operators in a particular State may depend very largely upon the accident records of minors, the hazards upon the highways, and other conditions in the State and it is recommended that these factors be carefully considered in determining such minimum age and from time to time thereafter to determine whether any change should be made in the established minimum age.

2. To any person, as a chauffeur, who is under the age of 18 years;
3. To any person, as an operator or chauffeur, whose license has been suspended during such suspension nor to any person whose license has been revoked, until the expiration of 1 year after such license was revoked;
4. To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;
5. To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;
6. To any person, as an operator or chauffeur, who is required by this act to take an examination, unless such person shall have successfully passed such examination;
7. To any person who is required under the provisions of the motor vehicle financial responsibility laws of this State to deposit proof of financial responsibility and who has not deposited such proof;³
8. To any person when the commissioner has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways.

Alternate 8.—To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare.⁴

SEC. 10. *Special restrictions on drivers of school busses and public or common-carrier motor vehicles.*—(a) No person who is under the age of 21 years shall drive any motor vehicle while in use as a school bus for the transportation of pupils to or from school, nor any motor vehicle while in use as a public or common carrier of persons or property, nor in either event until he has been licensed as a chauffeur and received a special chauffeur's license.

(b) No person shall be granted a special chauffeur's license unless he has had 1 year of driving experience prior to the issuance thereof, nor until he files with the department a certificate showing his employment as such chauffeur and one or more certificates signed by a total of at least three responsible people to whom he is well known certifying as to his good character and habits.

(c) No such license shall be granted until the department is fully satisfied as to the applicant's competency and fitness to be so employed.

(d) The department may, in its discretion, impose such rules and regulations for the exercise of such special chauffeurs' licenses as it may deem necessary for the safety and welfare of the traveling public.

SEC. 11. *Instruction permits and temporary licenses.*—(a) Any person who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain an operator's license

³For adoption in those States which have in effect a motor vehicle financial responsibility act.

⁴This alternate is in many respects desirable as it would permit the commissioner to exercise discretion where he finds, for example, that the applicant, although previously unlicensed, has operated motor vehicles and has been convicted of serious traffic violations or has a bad traffic accident record.

under this act, may apply for a temporary instruction permit, and the department shall issue such permit, entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of 60 days, but, except when operating a motorcycle, such person must be accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver.

(b) The department may, in its discretion, issue a temporary driver's permit to an applicant for an operator's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to such applicant's right to receive an operator's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

SEC. 12. *Application for license or instruction permit.*—(a) Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the department and shall be verified by the application before a person authorized to administer oaths, and officers and employees of the department are hereby authorized to administer such oaths without charge (and every said application shall be accompanied by the required fee).

(b) Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what State or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

SEC. 13. *Applications of minors.*—(a) The application of any person under the age of 18 years for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of such minor, or in the event there is no guardian or employer then by other responsible person who is willing to assume the obligation imposed under this act upon a person signing the application of a minor.

(b) Any negligence or willful misconduct of a minor under the age of 18 years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct (except as otherwise provided in the next succeeding paragraph).

(c) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial

responsibility laws of this State, then the department may accept the application of such minor when signed by one parent or the guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under the preceding paragraph of this section.⁵

SEC. 14. *Release from liability.*—Any person who has signed the application of a minor for a license may thereafter file with the department a verified written request that the license of said minor so granted be canceled. Thereupon the department shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under this act by reason of having signed such application on account of any subsequent negligence or willful misconduct of such minor in operating a motor vehicle.

SEC. 15. *Revocation of license upon death of person signing minor's application.*—The department upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this act. This provision shall not apply in the event the minor has attained the age of 18 years.

SEC. 16. *Examination of applicants.*—(a) The department shall examine every applicant for an operator's or chauffeur's license, except as otherwise provided in this section. Such examination shall be held in the county where the applicant resides within not more than 10 days from the date application is made. It shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this State, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.⁶

(b) The department shall issue without examination an operator's license to any person applying therefor within 3 months after this section takes effect who furnishes evidence satisfactory to the department that he is not disqualified under the provisions of this act and that he has previously operated a motor vehicle in a satisfactory manner for a period of not less than one year.⁷

SEC. 17. *Commissioner may appoint local examiners.*—The commissioner may appoint as examiners sheriffs, chiefs of police, or other officials or private citizens whom he deems qualified. Any sheriff, chief of police, or other person accepting appointment as an examiner shall conduct examinations hereunder and make such written report of findings and recommendations to the department as it may require.

SEC. 18. *Licenses issued to operators and chauffeurs.*—(a) The department shall (upon payment of the required fee), issue to every applicant qualifying therefor an operator's or chauffeur's license as

⁵ Subparagraph (c) suitable for adoption in those States which adopt a motor vehicle financial responsibility law.

⁶ A state upon adopting the above provision may desire, in the interest of traffic safety, to add the following: "and such further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways."

⁷ For adoption in those States not previously requiring the licensing of operators and chauffeurs.

applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(b) Every chauffeur's license shall bear thereon a photograph of the licensee, which shall be furnished by him, and the department shall issue with every chauffeur's license a chauffeur's badge of metal with a plainly readable distinguishing number assigned to the licensee stamped thereon and every chauffeur shall display such chauffeur's badge in plain sight upon the band of his cap or upon the lapel of his outer coat while operating a motor vehicle as a public or common carrier of persons or property.

SEC. 19. *License to be carried and exhibited on demand.*—Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice of the peace, a peace officer, or a field deputy or inspector of the department. However, no person charged with violating this section shall be convicted if he produces in court an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest.

SEC. 20. *Restricted licenses.*—(a) The department upon issuing an operator's or chauffeur's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(c) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensees shall be entitled to a hearing as upon a suspension or revocation under this act.

(d) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

SEC. 21. *Duplicate certificates and chauffeurs' badges.*—In the event that an instruction permit or operator's or chauffeur's license or chauffeur's badge issued under the provisions of this act is lost or destroyed, the person to whom the same was issued may (upon payment of the required fee) obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit, license, or badge has been lost or destroyed.

SEC. 22. *Expiration of license.*—(a) Every operator's license shall expire July first (each year) (or) in the third year following the issuance of such license. Every such license shall be renewable on or before its expiration upon application (and payment of the required fee) and shall be renewed without examination unless the commissioner has reason to believe that the licensee is no longer qualified to receive a license.

(b) Every chauffeur's license shall expire July first each year and shall be renewable on or before its expiration date upon application and payment of the required fee. The department may in its discretion waive examination upon renewal of a chauffeur's license.

SEC. 23. *Notice of change of address or name.*—Whenever any person after applying for or receiving an operator's or chauffeur's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

SEC. 24. *Records to be kept by the department.*—(a) The department shall file every application for a license received by it and shall maintain suitable indices containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial;

2. All applications granted; and

3. The name of every licensee whose license has been suspended or revoked by the department and after each such name note the reasons for such action.

(b) The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this State and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times.⁸

ARTICLE III

CANCELATION, SUSPENSION OR REVOCATION OF LICENSES

SEC. 25. *Authority of department to cancel license.*—(a) The department is hereby authorized to cancel any operator's or chauffeur's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application or committed any fraud in making such application.

(b) Upon such cancelation, the licensee must surrender the license so canceled and any chauffeur's badge to the department.

SEC. 26. *Suspending privileges of nonresidents and reporting convictions.*—(a) The privilege of driving a motor vehicle on the highways of this State given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as an operator's or chauffeur's license issued hereunder may be suspended or revoked.

⁸ This is believed a most desirable provision if the license law is to serve the purpose intended and afford opportunity to refuse renewal of license and to suspend or revoke the licenses of those responsible for traffic accidents or frequently convicted of traffic violations. In this connection it is very important that the State adopt as part of its motor vehicle laws those provisions requiring reports of traffic accidents contained in act V of the Uniform Vehicle Code.

(b) The department is further authorized, upon receiving a record of the conviction in this State of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this State, to forward a certified copy of such record to the motor vehicle administrator in the State wherein the person so convicted is a resident.

SEC. 27. *Suspending resident's license upon conviction in another State.*—The department is authorized to suspend or revoke the license of any resident of this State upon receiving notice of the conviction of such person in another State of an offense therein which, if committed in this State, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

SEC. 28. *When court to forward license to department and report convictions.*—(a) Whenever any person is convicted of any offense for which this act makes mandatory the revocation of the operator's or chauffeur's license of such person by the department, the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the department.⁹

(b) Every court having jurisdiction over offenses committed under this act, or any other act of this State regulating the operation of motor vehicles on highways, shall forward to the department a record of the conviction of any person in said court for a violation of any said laws, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted.

(c) For the purposes of this act the term "conviction" shall mean a final conviction. Also, for the purposes of this act a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

SEC. 29. *Mandatory revocation of license by department.*—The department shall forthwith revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle;
2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug;
3. Any felony in the commission of which a motor vehicle is used;
4. Failure to stop and render aid as required under the laws of this State in the event of a motor vehicle accident resulting in the death or personal injury of another;
5. Perjury or the making of a false affidavit or statement under oath to the department under this act or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.¹⁰

⁹ This paragraph is desirable as a means to carry out mandatory revocation as hereinafter provided.

¹⁰ Where the offenses above enumerated are defined and penalties provided in the criminal code of the State it would be sufficient in the above section to refer by number to such sections of the criminal code without specifically describing such offenses in the above section.

SEC. 30. Authority of department to suspend or revoke license.—

(a) The department is hereby authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;

2. Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

3. Is an habitually reckless or negligent driver of a motor vehicle;

4. Is an habitual violator of the traffic laws;

5. Is incompetent to drive a motor vehicle;

6. Has permitted an unlawful or fraudulent use of such license; or

7. Has committed an offense in another State which if committed in this State would be grounds for suspension or revocation.

(b) Upon suspending the license of any person as hereinbefore in this section authorized the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed 20 days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.

SEC. 31. Period of suspension or revocation.—The department shall not suspend a license for a period of more than 1 year and upon revoking a license shall not in any event grant application for a new license until the expiration of 1 year after such revocation.

SEC. 32. Surrender and return of license and badge.—The department upon suspending or revoking a license shall require that such license and the badge of any chauffeur whose license is suspended or revoked shall be surrendered to and be retained by the department except that at the end of the period of suspension such license and any chauffeur's badge so surrendered shall be returned to the licensee.

SEC. 33. No operation under foreign license during suspension or revocation in this State.—Any resident or nonresident whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this act shall not operate a motor vehicle in this State under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this act.

SEC. 34. Right of appeal to court.—Any person denied a license or whose license has been canceled, suspended, or revoked by the department except where such cancellation or revocation is mandatory under the provisions of this act shall have the right to file a

petition within 30 days thereafter for a hearing in the matter in (a court of record) in the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 30 days' written notice to the commissioner, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancelation, or revocation of license under the provisions of this act.

ARTICLE IV

VIOLATION OF LICENSE PROVISIONS

SEC. 35. *Unlawful use of license.*—It is a misdemeanor for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered operator's or chauffeur's license;
2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
3. To display or represent as one's own any operator's or chauffeur's license not issued to him;
4. To fail or refuse to surrender to the department upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked or canceled;
5. To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
6. To permit any unlawful use of an operator's or chauffeur's license issued to him; or
7. To do any act forbidden or fail to perform any act required by this act.

SEC. 36. *Making false affidavit perjury.*—Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this act to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

SEC. 37. *Driving while license suspended or revoked.*—Any person whose operator's or chauffeur's license, or driving privilege as a nonresident, has been canceled, suspended or revoked as provided in this act, and who drives any motor vehicle upon the highways of this State while such license or privilege is canceled, suspended, or revoked, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than 2 days or more than 6 months and there may be imposed in addition thereto a fine of not more than \$500.

SEC. 38. *Permitting unauthorized minor to drive.*—No person shall cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this act.

SEC. 39. *Permitting unauthorized person to drive.*—No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this act.

SEC. 40. *Employing unlicensed chauffeur.*—No person shall employ as a chauffeur of a motor vehicle any person not then licensed as provided in this act.¹¹

SEC. 41. *Renting motor vehicle to another.*—(a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the State or country of his residence except a nonresident whose home State or country does not require that an operator be licensed.

(b) No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

(c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the department.

ARTICLE V

PENALTIES

SEC. 42. *Penalty for misdemeanor.*—(a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this State declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than (\$500.00) or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

ARTICLE VI

EFFECT OF AND SHORT TITLE OF ACT

SEC. 43. *Uniformity of interpretation.*—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SEC. 44. *Short title.*—This act may be cited as the uniform motor vehicle operators' and chauffeurs' license act.

SEC. 45. *Constitutionality.*—If any part or parts of this act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

¹¹ In every instance a chauffeur must be licensed either in this or his home State.

SEC. 46. *Repeal.*—(The (existing operators' and chauffeurs' license statute) is hereby repealed, and) all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 47. *Time of taking effect.*—This act shall take effect from and after the _____ day of _____.

Table showing source of present provisions of act II of the Uniform Vehicle Code

[This motor vehicle operators' and chauffeurs' license act represents a revision of the act so entitled but formerly listed as act III of the uniform vehicle code as published in 1930. In the present act the subject matter has been rearranged, revised, and amplified. This table lists the various sections of the present act except those dealing with definitions, which definitions are in harmony with those in act I and the other acts of the revised uniform vehicle code. The table indicates that the material is new or that it is taken from the sections of former act III. In the latter case the word "identical" means that there has been no change in the text. The word "reworded" means rewritten for purposes of clarity and accuracy without material change in legal effect, while the word "revised" indicates some change in meaning or effect.]

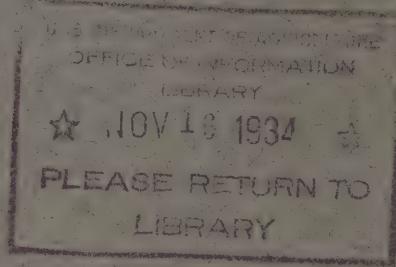
Section and subdivision of act II as revised	Source—Act, section, and subdivision	Explanation
7.	III, 2, 13a, last sentence.	Reworded.
8, 1.	III, 3b.	Revised.
2.	III, 3a.	
3.	III, 4a.	Same effect.
4.	III, 4a.	Revised.
5.	III, 4b.	Do.
9, 1.	III, 5a.	Do.
2.	III, 5a.	
3.	III, 5b.	Same effect.
4.	III, 5c.	Do.
5.	III, 5d.	Revised.
6.	III, 10a.	
7.	New.	
8.	III, 5e.	
Alt. 8.	New.	Reworded.
10a.	III, 6.	Revised.
b.	New.	
c.	do.	
d.	do.	
11a.	III, 7.	Do.
b.	III, 13d.	Do.
12.	III, 8.	Amplified.
13a.	III, 9.	
b.	III, 22.	
c.	do.	
14.	do.	
15.	do.	
16a.	III, 10a.	Revised.
b.	III, 10c.	Do.
17.	III, 11.	Reworded.
18.	III, 13, 15.	
19.	III, 15b.	
20.	New.	
21.	III, 14.	
22.	III, 16.	
23.	New.	Revised.
24.	III, 12.	Amplified.
25.	New.	
26.	III, 19b, c, second sentence.	
27.	III, 19c, first sentence.	
28a.	New.	
b.	III, 17.	
c.	New.	
29.	III, 18.	Revised.
30.	III, 19a.	Do.
31.	III, 19d in part and 21.	
32.	III, 19d in part.	
33.	III, 4c.	
34.	III, 20.	
35.	III, 25.	Do.
36.	III, 26.	Amplified.
37.	III, 30, 32.	
38.	III, 27.	Reworded.
39.	III, 29.	Do.
40.	III, 28.	Do.
41.	New.	
42.	III, 31.	
43 to 47.	New.	



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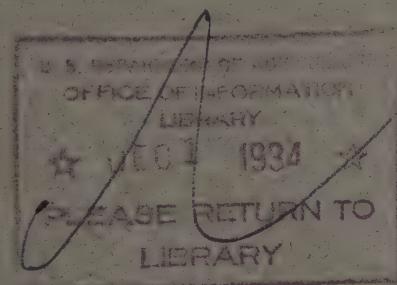


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R53A
1934
pt. 3

Act III

UNIFORM MOTOR VEHICLE
CIVIL LIABILITY ACT

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Act III

UNIFORM MOTOR VEHICLE CIVIL LIABILITY ACT

**This Act is a part of a
Uniform Vehicle Code**

CONSISTING OF

- I.—“Uniform Motor Vehicle Administration, Registration,
Certificate of Title, and Antitheft Act”**
- II.—“Uniform Motor Vehicle Operators’ and Chauffeurs’
License Act”**
- III.—“Uniform Motor Vehicle Civil Liability Act”**
- IV.—“Uniform Motor Vehicle Safety Responsibility Act”**
- V.—“Uniform Act Regulating Traffic on Highways”**

**As revised and approved by the Fourth National Conference on Street
and Highway Safety, May 23-25, 1934**

**U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF PUBLIC ROADS**



**UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1934**

PUBLISHED UNDER AUTHORITY CONTAINED IN
THE FEDERAL HIGHWAY ACT (42 STAT. 212)

APPROVED NOVEMBER 9, 1921

FOREWORD

This act is one of five acts which constitute the uniform vehicle code as revised and recommended for State enactment as the foundation for uniform traffic regulation.

The uniform vehicle code was originally prepared in 1925-26 by the National Conference on Street and Highway Safety in cooperation with the National Conference of Commissioners on Uniform State Laws. It was reviewed and revised by the National Conference on Street and Highway Safety in 1930 and again this year. In each case the revisions were based upon thorough study by a representative committee, extending over a period of months, of the provisions of the various acts in the light of experience and changed conditions.

The changes in substance in the present code from the 1930 draft are few. The speed restrictions have been rewritten to make them simpler and more easily understood. The lighting provisions for motor vehicles have been revised in recognition of recent mechanical developments. Changes have been made in the sections dealing with sizes and weights of motor vehicles. There has been incorporated provision for periodic inspection of motor vehicles.

The first two acts of the 1930 draft, covering respectively vehicle registration and certificate of title, have been consolidated and amplified to provide for a highway patrol and new administrative features. Two new acts have been added, dealing respectively with civil liability and safety responsibility. Former acts III and IV, covering respectively drivers' licenses and regulation of traffic on highways, have been renumbered acts II and V. In all of the acts long sections have been broken up into shorter sections for clarity.

The National Conference on Street and Highway Safety as heretofore recommends two other sets of standards to supplement the uniform vehicle code—a model municipal traffic ordinance for municipalities and a manual of uniform traffic control devices—the latter now covering conditions both in rural areas and in cities.

The importance of uniform legislative standards in reducing accidents and facilitating the movement of traffic cannot be overestimated, and the adoption of these standards by all States and municipalities is earnestly recommended.

DANIEL C. ROPER,
Secretary of Commerce, Chairman,
National Conference on Street and Highway Safety.

WASHINGTON, D.C., July 31, 1934.

NOTE.—The following associations have cooperated with the Department of Commerce in conducting the Conference: Bureau of Public Roads, United States Department of Agriculture; American Association of Motor Vehicle Administrators; American Automobile Association; American Mutual Alliance; American Railway Association; American Transit Association; Chamber of Commerce of the United States; National Automobile Chamber of Commerce; National Bureau of Casualty and Surety Underwriters; and National Safety Council. The Automobile Club of Southern California has made substantial contributions to the staff work of the Uniform Vehicle Code and Model Municipal Traffic Ordinance.

ACT III.—UNIFORM MOTOR VEHICLE CIVIL LIABILITY ACT

TITLE OF ACT

An act relating to civil liability of owners and operators of motor vehicles, service of civil process on nonresidents and requirement that owners of for rent vehicles give proof of financial responsibility and to make uniform the law with reference thereto.

Be it enacted * * *

ARTICLE I

WORDS AND PHRASES DEFINED

SECTION 1. *Definitions.*—The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this article.

SEC. 2. (a) *Commissioner.*—The commissioner of motor vehicles of this State.

(b) *Department.*—The department of motor vehicles of this State acting directly or through its duly authorized officers and agents.

SEC. 3. (a) *Person.*—Every natural person, firm, copartnership, association, or corporation.

(b) *Owner.*—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

SEC. 4. (a) *Vehicle.*—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) *Motor vehicle.*—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

SEC. 5. *Street or Highway.*—The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right, for purposes of vehicular traffic.

ARTICLE II

CIVIL LIABILITY OF OWNERS AND OPERATORS OF MOTOR VEHICLES

SEC. 6. *Liability of State, counties, municipalities, and other public corporations.*—(a) This State and every county, incorporated city,

town or village and every other public corporation within this State shall be liable for civil damages on account of bodily injury to or death of any person or damage to property resulting from the operation of a motor vehicle by any officer, agent or employee of such public entity or corporation when acting within the scope of his office, agency or employment to the same extent that liability is imposed by law on such operator. The liability of any said public entity or corporation and its officers, agent, or employee shall be joint and several.

(b) Any person having a claim against any such public entity or corporation under this section may present the same to such public entity or corporation in the same manner as other claims are presented and if thereupon such claim is not acted upon within 30 days after said presentation or is rejected in whole or in part, then said person may sue such public entity or corporation in a court of competent jurisdiction in the manner prescribed by law for the commencement and maintenance of such a suit against a private individual.

(c) Any such public entity or corporation may insure against the liability imposed by this section in any insurance carrier duly authorized to transact business in this State and the premium for such insurance shall be a proper charge against the general fund of such public entity or corporation.

SEC. 7. *Imputing negligence or willful misconduct of operator to owner.*—(a) Any negligence or willful misconduct of a person operating a motor vehicle with the express or implied permission of the owner shall be imputed to said owner for all purposes of civil damages and said owner shall be liable for civil damages caused by such negligence or willful misconduct to the extent that liability is imposed by law on such operator subject to the limit in amount of \$5,000 for bodily injury to or death of one person in any one accident and, subject to said limit as to one person, the amount of \$10,000 for bodily injury to or death of all persons as a result of any one accident and \$1,000 for damage to property of others as a result of any one accident.

(b) The foregoing limits as to liability shall not apply with respect to the liability of an owner for the negligence or willful misconduct of an agent or servant operating a motor vehicle in the scope of his employment.

(c) This section shall not impose liability upon the owner of a motor vehicle when the same is being operated by the keeper of a garage, repair shop or service station or by the employees of such keeper in the course of storing, servicing or repairing such vehicle or when the same is being operated by any bailee, pledgee, mortgagee, or other lien holder of such vehicle.

(d) An owner so subject to liability under this section may settle and pay any bona fide claims for damages under this section, whether reduced to judgment or not, and to that extent discharge the liability imposed upon him under this section.

(e) An owner so subject to liability under this section shall be subrogated to all bona fide claims for damages reduced to judgment to the extent that he has paid or discharged the same and upon such subrogation may recover from such operator the total amount so paid by him.

(f) This section shall not be deemed to relieve the operator of a motor vehicle from any liability imposed upon him by law.

SEC. 8. *Liability for bodily injury to or death of guest.*—No guest riding in or upon any vehicle without giving compensation for such ride or riding in or upon any vehicle while engaged in a joint enterprise with the owner or driver of such vehicle shall have, nor shall any other person have, any right of action for civil damages against the driver of such vehicle, or against any other person legally liable for the conduct of such driver, on account of bodily injury to or the death of such guest during such ride, unless the plaintiff in any such action establishes that such injury or death proximately resulted from the intoxication or willful misconduct of said driver.¹

SEC. 9. *Service of process on nonresident.*—(a) The acceptance by a nonresident of any right or privilege conferred upon him by the laws of this State to operate a motor vehicle upon the highways within this State, or the operation by a nonresident or his duly authorized agent or employee of a motor vehicle upon the highways of this State, or in the event such nonresident is the owner of a motor vehicle, then also the operation of such vehicle upon a highway of this State by any person with such owner's express or implied permission shall be deemed equivalent to an appointment by such nonresident of the commissioner or his successor in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against said nonresident growing out of any accident or collision resulting from the operation of a motor vehicle upon any highway of this State by said owner or other person as above mentioned.

(b) Said acceptance or use of any said highways shall be significance of the agreement of said nonresident that any such process against him which is served in the manner herein provided shall be of the same legal force and validity as if served on said nonresident personally.

(c) Service of such process shall be made by leaving a copy of the summons and complaint with a fee of \$2 with the commissioner or in his office and such service shall be sufficient service on said nonresident subject to compliance with the other provisions of this section. The plaintiff shall likewise and at the same time file with the commissioner or in his office a bond in the sum of \$500 with sureties to be approved by the commissioner, conditioned that upon the failure of the plaintiff to prevail in the action said plaintiff shall reimburse the defendant for the expenses necessarily incurred by him in defending the action in this State.

(d) The plaintiff or his attorney shall forthwith send a notice of such service and a copy of the summons and complaint by registered mail to the defendant or in the alternative such notice and copy of the summons and complaint may be served personally upon the defendant wherever found outside of this State by any duly constituted public officer qualified to serve like process of and in the State or in the jurisdiction where such personal service is made.

(e) Proof of compliance with subsection (d) hereof shall be made in the event of service by mail by affidavit of said plaintiff or his attorney, showing said mailing, to which shall be attached

¹ This section would not be valid in those States where the State constitution creates a right of action based upon negligence.

the return receipt of the United States post office bearing the signature of said defendant, which affidavit and receipt shall be appended to the original summons, which shall be filed with the court from out of which such summons issued within the time allowed by law for the return of such summons, or in the event of personal service outside this State by the return of any duly constituted public officer, qualified to serve like process of and in the State or jurisdiction where the defendant is found, showing such service to have been made at least 15 days before the return day of the process, which return shall be so appended to the original summons, which shall be so filed as aforesaid.

(f) The court in which the action is pending may order such continuance as may be necessary to afford the defendant a reasonable opportunity to defend the action.

(g) The commissioner shall keep a record of all processes so served upon him, which record shall show the day and hour of service.²

ARTICLE III

OWNERS OF FOR-RENT VEHICLES

Sec. 10. Owner of for-rent motor vehicle to give proof of financial responsibility.—(a) It shall be unlawful for the owner of any motor vehicle engaged in the business of renting motor vehicles without drivers to rent a motor vehicle without a driver otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, unless he has previously notified the department of the intention to so rent such vehicle and has given proof of financial responsibility, and the department shall not register any such vehicle unless and until the owner gives proof of financial responsibility either as provided in this section or in the alternative, as provided in section 11. The department shall cancel the registration of any motor vehicle rented without a driver whenever the department ascertains that the owner has failed or is unable to give and maintain such proof of financial responsibility.

(b) Such owner shall submit to the commissioner evidence that there has been issued to him by an insurance carrier authorized to do business in this State a public liability insurance policy or policies covering each such motor vehicle so rented in the amounts as hereinafter stated and insuring every person operating such vehicle under a rental agreement or operating the vehicle with the express or implied permission of the owner against loss from the liability imposed by law upon such person arising out of the operation of said vehicle in the amount of \$5,000 for bodily injury to or death of one person and subject to said limit as respects bodily injury to or death of any one person the amount of \$10,000 on account of bodily injury to or death of more than one person in any one accident and \$1,000 for damage to property of others in any one accident.

(c) The owner shall maintain such policy or policies in full force and effect during all times that he is engaged in the business of rent-

²The validity of the above method of service has been sustained by the U.S. Sup. Ct. in *Hess v. Pawloski* (1927), 274 U.S. 352, 71 Law Ed. 1091.

ing any motor vehicle without a driver unless said owner shall have given proof of financial responsibility as provided in section 11.

(d) Said policy or policies need not cover any liability incurred by the renter of any vehicle to any passenger in such vehicle.

(e) When any suit or action is brought against the owner of a for-rent motor vehicle upon a liability under this act, it shall be the duty of the judge of the court before whom the case is pending to cause a preliminary hearing to be had in the absence of the jury for the purpose of determining whether the owner has obtained and there is in full force and effect a policy or policies of insurance covering the person operating the vehicle under a rental agreement in the limits above mentioned. When it appears that the owner has obtained such policy or policies and that the same are in full force and effect, the judge or magistrate before whom such action is pending shall dismiss the action as to the owner of the motor vehicle.

(f) Whenever the owner of a motor vehicle rents such vehicle without a driver to another it shall be unlawful for the latter to permit any other person to operate such vehicle without the permission of the owner.

(g) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment.

Sec. 11. *Owner of for-rent vehicle liable when no policy obtained—*

(a) In the event the owner of a for-rent motor vehicle has not given proof of financial responsibility as provided in section 10, then the commissioner shall not register any motor vehicle owned by such person and rented, or intended to be rented, to another unless such owner shall demonstrate, to the satisfaction of the commissioner, his financial ability to respond in damages as follows:

(1) If he applies for registration of 1 motor vehicle, in the sum of at least \$5,000 for any 1 person injured or killed and in the sum of \$10,000 for any number more than 1 injured or killed in any 1 accident;

(2) If he applies for the registration of more than 1 motor vehicle, then in the foregoing sums for 1 motor vehicle and \$5,000 additional for each motor vehicle in excess of 1, but it shall be sufficient for the owner to demonstrate ability to respond in damages in the sum of \$100,000 for any number of motor vehicles.

(b) The department shall cancel the registration of any motor vehicle rented without a driver whenever the department ascertains that the owner has failed or is unable to comply with the requirements of this section.

(c) Any owner of a for-rent motor vehicle who has given proof of financial responsibility under this section or who in violation of this act has failed to give proof of financial responsibility shall be jointly and severally liable with any person operating such vehicle for any damages caused by the negligence of any person operating the vehicle by or with the permission of the owner, except that the foregoing provision shall not confer any right of action upon any passenger in any such rented vehicle as against the owner.

(d) Nothing in this section shall be construed to prevent an owner from making defense in any such action upon the ground of com-

parative or contributory negligence to the extent to which such defense is allowed in other cases.

ARTICLE V

EFFECT OF AND SHORT TITLE OF ACT

SEC. 12. *Uniformity of interpretation.*—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SEC. 13. *Short title.*—This act may be cited as the Uniform Motor Vehicle Civil Liability Act.

SEC. 14. *Act not retroactive.*—This act shall not have a retroactive effect and shall not apply to any cause of action arising out of a traffic accident occurring prior to the effective date of this act.

SEC. 15. *Constitutionality.*—If any part of this act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts hereof would be declared unconstitutional.

SEC. 16. *(Repeal acts inconsistent herewith.)*

SEC. 17. *Time of taking effect.*—This act shall take effect from and after the _____ day of _____.

Table showing source of present provisions of act III of the Uniform Vehicle Code

[This act III contains provisions in part from former acts I and III, also certain new matter as indicated in the following table]

Section of act III as revised	Source—act, section, and subdivision	Explanation
1 to 5.....	(1) III, 24.....	
6.....	New.....	Amplified.
7.....do.....	
8.....do.....	
9.....do.....	
10.....	I, 10c, 23.....	
11.....do.....	Reworded.
12 to 17.....	New.....	Do.

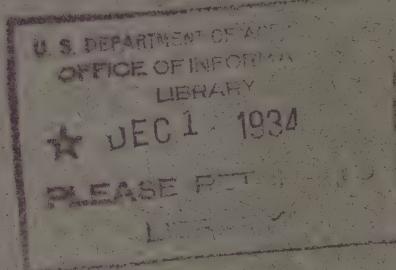
¹ Definitions consistent with those in the other acts.



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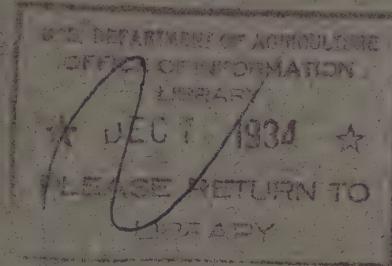


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Act IV

UNIFORM MOTOR VEHICLE
SAFETY RESPONSIBILITY ACT

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Act IV

UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

This Act is part of a
Uniform Vehicle Code

CONSISTING OF

- I.—“Uniform Motor Vehicle Administration, Registration, Certificate of Title and Antitheft Act”
- II.—“Uniform Motor Vehicle Operators’ and Chauffeurs’ License Act”
- III.—“Uniform Motor Vehicle Civil Liability Act”
- IV.—“Uniform Motor Vehicle Safety Responsibility Act”
- V.—“Uniform Act Regulating Traffic on Highways”

As revised and approved by the Fourth National Conference
on Street and Highway Safety, May 23-25, 1934

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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

PUBLISHED UNDER AUTHORITY CONTAINED IN
THE FEDERAL HIGHWAY ACT (42 STAT. 212)
APPROVED NOVEMBER 9, 1921

1921

FOREWORD

This act is 1 of 5 acts which constitute the uniform vehicle code as revised and recommended for State enactment as the foundation for uniform traffic regulation.

The uniform vehicle code was originally prepared in 1925-26 by the National Conference on Street and Highway Safety in cooperation with the National Conference of Commissioners on Uniform State Laws. It was reviewed and revised by the National Conference on Street and Highway Safety in 1930 and again this year. In each case the revisions were based upon thorough study by a representative committee, extending over a period of months, of the provisions of the various acts in the light of experience and changed conditions.

The changes in substance in the present code from the 1930 draft are few. The speed restrictions have been rewritten to make them simpler and more easily understood. The lighting provisions for motor vehicles have been revised in recognition of recent mechanical developments. Changes have been made in the sections dealing with sizes and weights of motor vehicles. There has been incorporated provision for periodic inspection of motor vehicles.

The first two acts of the 1930 draft, covering respectively vehicle registration and certificate of title, have been consolidated and amplified to provide for a highway patrol and new administrative features. Two new acts have been added, dealing respectively with civil liability and safety responsibility. Former acts III and IV, covering respectively drivers' licenses and regulation of traffic on highways, have been renumbered acts II and V. In all of the acts long sections have been broken up into shorter sections for clarity.

The National Conference on Street and Highway Safety as heretofore recommends two other sets of standards to supplement the uniform vehicle code—a model municipal traffic ordinance for municipalities and a Manual of Uniform Traffic Control Devices—the latter now covering conditions both in rural areas and in cities.

The importance of uniform legislative standards in reducing accidents and facilitating the movement of traffic cannot be overestimated, and the adoption of these standards by all States and municipalities is earnestly recommended.

DANIEL C. ROPER,
*Secretary of Commerce, Chairman,
National Conference on Street and Highway Safety.*

WASHINGTON, D.C., July 31, 1934.

NOTE.—The following associations have cooperated with the Department of Commerce in conducting the Conference: Bureau of Public Roads, United States Department of Agriculture; American Association of Motor Vehicle Administrators; American Automobile Association; American Mutual Alliance; American Railway Association; American Transit Association; Chamber of Commerce of the United States; National Automobile Chamber of Commerce; National Bureau of Casualty and Surety Underwriters; and National Safety Council. The Automobile Club of Southern California has made substantial contributions to the staff work of the uniform vehicle code and model municipal traffic ordinance.

ACT IV.—UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

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ACT IV.—UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY ACT¹

TITLE OF ACT

An act relating to the giving of proof of financial responsibility by owners and operators of motor vehicles and to make uniform the law with reference thereto.

Be it enacted * * *

ARTICLE I

WORDS AND PHRASES DEFINED

SECTION 1. *Definitions.*—The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this article.

SEC. 2. (a) *Commissioner.*—The commissioner of motor vehicles of this State.

(b) *Department.*—The department of motor vehicles of this State acting directly or through its duly authorized officers and agents.

SEC. 3. (a) *Person.*—Every natural person, firm, copartnership, association, or corporation.

(b) *Operator.*—Every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

(c) *Chauffeur.*—Every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

(d) *Owner.*—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(e) *Nonresident.*—Every person who is not a resident of this State.

SEC. 4. (a) *Vehicle.*—Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

¹ This act IV of the uniform vehicle code is based upon and includes the substantive provisions of the safety responsibility bill of 1932 sponsored by the American Automobile Association. Certain changes have been made to harmonize the text with the provisions of act II of this code.

(b) *Motor vehicle.*—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

SEC. 5. *Street or highway.*—The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

SEC. 6. *State.*—Any State of the United States, the District of Columbia, or any Province of the Dominion of Canada.

ARTICLE II

WHEN PROOF OF FINANCIAL RESPONSIBILITY REQUIRED. DUTIES OF COMMISSIONER

SEC. 7. *Commissioner to administer act.*—(a) The commissioner shall administer and enforce the provisions of this act.

(b) The commissioner is hereby authorized to adopt and enforce such rules and regulations as may be necessary for the administration of this act.

SEC. 8. *Proof required upon certain convictions.*—(a) Whenever the commissioner is required under any law of this State to suspend or revoke the operator's or chauffeur's license of any person upon receiving record of the conviction of such person for any offense under the motor vehicle laws of this State, the commissioner upon receiving such record shall forthwith without notice or hearing suspend or revoke the license of such person as required.

(b) In any event hereinbefore stated the commissioner shall also suspend any and all of the registration certificates or cards and registration plates issued for any motor vehicle registered in the name of the person so convicted as owner except that he shall not suspend such evidences of registration in the event such owner has previously given or shall immediately give and thereafter maintain, for a period of three years, proof of financial responsibility in the manner hereinafter specified in this act with respect to each and every motor vehicle owned and registered by such person.

(c) The suspensions or revocation hereinbefore required shall remain in effect and the commissioner shall not issue to any such person any new or renewal of license or register or reregister in the name of such person any motor vehicle until permitted under the motor vehicle laws of this State and not then unless and until said person gives proof of his financial responsibility in future as herein-after provided in this act.

(d) The commissioner shall take action as required in this section upon receiving proper evidence of any such conviction of any person in another State.

(e) For the purposes of this act the term conviction shall include a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, upon a charge which upon conviction of the defendant requires the commissioner to suspend or revoke the license of such person.²

² For effect of this section in the event revised act II is adopted, see sec. 29 of said act.

SEC. 9. Proof required in the event of certain judgments.—(a) The commissioner shall also suspend the operator's and chauffeur's license and all registration certificates or cards and registration plates issued to any person upon receiving authenticated report as hereinafter provided that such person has failed for a period of 30 days to satisfy any final judgment in amounts and upon a cause of action as hereinafter stated.

(b) The judgment hereinbefore referred to shall mean a final judgment of any court of competent jurisdiction in any State or of the United States against a person as defendant upon a cause of action as hereinafter stated.

(c) The judgment herein referred to shall mean any final judgment for damage to property in excess of \$100 or for damages in any amount on account of bodily injury to or death of any person resulting from the operation of any motor vehicle upon a highway.

(d) This act shall not apply to any such judgment rendered against this State or any political subdivision thereof or any municipality therein.

SEC. 10. Suspension effective until judgment satisfied and proof given of financial responsibility.—(a) The suspensions required in section 9 shall remain in effect and no other motor vehicle shall be registered in the name of such judgment debtor nor any new license issued to such person unless and until such judgment is satisfied or stayed and the judgment debtor gives proof of financial responsibility in future, as hereinafter provided, except under the conditions as herein stated in the next succeeding sections.

(b) A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this act.

SEC. 11. Payments sufficient to satisfy requirements of act.—Every judgment herein referred to shall for the purposes of this act be deemed satisfied.

1. When \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of one person as the result of any one accident; or

2. When, subject to said limit of \$5,000 as to one person, the sum of \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of more than one person as the result of any one accident; or

3. When \$1,000 has been credited upon any judgment or judgments rendered in excess of that amount for damage to property of others in excess of \$100 as a result of any one accident.

Credit for such amounts shall be deemed a satisfaction of any such judgment or judgments in excess of said amounts only for the purposes of this act.

Whenever payment has been made in settlement of any claims for bodily injury, death, or property damage arising from a motor vehicle accident resulting in injury, death, or property damage to two or more persons in such accident, any such payment shall be credited in reduction of the amounts provided for in this section.

SEC. 12. Suspension waived upon payment of judgment in installments.—(a) The commissioner shall not suspend a license or registration of a motor vehicle and shall restore any suspended license

or registration following nonpayment of a final judgment when the judgment debtor gives proof of financial responsibility in future and when the judgment debtor obtains an order from the trial court in which such judgment was rendered, permitting the payment of such judgment in installments and while the payment of any said installment is not in default.

(b) A judgment debtor upon 5 days notice to the judgment creditor may apply to the trial court in which the judgment was obtained for the privilege of paying such judgment in installments and the court in its discretion and without prejudice to any other legal remedies which the judgment creditor may have may so order, fixing the amounts and times of payment of the installments.

(c) In the event the judgment debtor fails to pay any installment as permitted by the order of the court, then upon notice of such default the commissioner shall forthwith suspend the license and registration certificates and registration plates of the judgment debtor until said judgment is satisfied as provided in this act.

SEC. 13. *Duty of courts to report convictions and judgments.*—(a) The clerk of a court or the judge of a court which has no clerk in which any person is convicted of any offense under the laws of this State which requires the commissioner to suspend or revoke the operator's or chauffeur's license of any person shall, when such conviction has become final, or in such other event as stated in section 8 (e) hereof, forthwith forward to the commissioner a certified record of such conviction or of the proceedings upon such charge.

(b) The clerk of a court or the judge of a court which has no clerk shall forward to the commissioner a certified record of any judgment for damages, the rendering and nonpayment of which judgment requires the commissioner to suspend the operator's or chauffeur's license and registrations in the name of the judgment debtor hereunder, such record to be forwarded to the commissioner immediately upon the expiration of 30 days after such judgment has become final and when such judgment has not been stayed or satisfied within the amounts specified in this act, as shown by the records of the court.

SEC. 14. *Required suspension and proof upon second judgment not satisfied.*—Whenever, after one judgment is satisfied and proof of financial responsibility is given as herein required, another such judgment is rendered against the judgment debtor for any accident occurring prior to the date of the giving of said proof and such person fails to satisfy the latter judgment within the amounts specified herein within 30 days after the same becomes final, then the commissioner shall again suspend the operator's or chauffeur's license of such judgment debtor and the registration of any vehicle registered in the name of such judgment debtor as owner and shall not renew the same and shall not issue to him any operator's or chauffeur's license or registration of any vehicle while such latter judgment remains in effect and unsatisfied within the amounts specified herein.

SEC. 15. *Action against nonresident.*—(a) All of the provisions of this act shall apply to any person who is not a resident of this State, and if such nonresident has been convicted of an offense which would require the suspension or revocation of the license of a resident

or if such nonresident has failed to satisfy a judgment within 30 days after the same became final, which would require suspension or revocation hereunder in respect to a resident, then in either such event such nonresident shall not operate any motor vehicle in this State nor shall any motor vehicle owned by him be operated within this State by any person and the commissioner shall not issue to such nonresident any operator's or chauffeur's license or register any motor vehicle owned by such nonresident unless and until such nonresident shall give proof of financial responsibility and shall satisfy any such judgment all as required with respect to a resident of this State.

(b) The commissioner shall transmit a certified copy of any record of any such conviction of a nonresident to the motor vehicle commissioner or state officer performing the functions of a commissioner in the State in which such nonresident resides and shall likewise forward to such officer a certified record of any unsatisfied judgment rendered against such nonresident which requires suspension of such nonresident's driving privileges in this State.

SEC. 16. *Owner may give proof for chauffeur or member of family.*—Whenever the commissioner determines that any person required to give proof hereunder by reason of a conviction is not the owner of a motor vehicle but was at the time of such conviction a chauffeur or motor vehicle operator, however designated, in the employ of an owner of a motor vehicle or a member of the immediate family or household of the owner of a motor vehicle, the commissioner shall accept proof of financial responsibility given by such owner in lieu of proof given by such other person so long as such latter person is operating a motor vehicle for which the owner has given proof as herein provided. The commissioner shall designate the restrictions imposed by this section on the face of such person's operator's or chauffeur's license. No such license shall be reinstated or any new license issued until otherwise permitted under the laws of this State.

SEC. 17. *Surrender of license and evidences of registration.*—(a) Any person whose operator's or chauffeur's license or registration certificate or card or registration plates have been suspended as provided in this act and have not been reinstated shall immediately return every such license, registration certificates, and registration plates held by such person to the commissioner. Any person willfully failing to comply with this requirement is guilty of a misdemeanor.

(b) The commissioner is hereby authorized to take possession of any license, registration card, or registration plate upon the suspension thereof under the provisions of this act or to direct any peace officer to take possession thereof and to return the same to the office of the commissioner.

ARTICLE III

REQUIRED PROOF OF FINANCIAL RESPONSIBILITY

SEC. 18. *Amount of proof required.*—Proof of financial responsibility shall mean proof of ability to respond in damages for any liability thereafter incurred resulting from the ownership, main-

tenance, use, or operation of a motor vehicle for bodily injury to or death of any one person in the amount of \$5,000, and subject to said limit for any one person injured or killed, in the amount of \$10,000 for bodily injury to or death of two or more persons in any one accident, and for damage to property in the amount of \$1,000 resulting from any one accident. Such proof in said amounts shall be furnished for each motor vehicle registered by such person.

SEC. 19. *Alternate methods of giving proof.*—Proof of financial responsibility when required under this act may be given by the following alternate methods: either by proof that a policy or policies of liability insurance have been obtained and are in full force and effect or that a bond has been duly executed or that deposit has been made of money or securities all as hereinafter provided.

SEC. 20. *Certificate showing insurance policy obtained.*—(a) Proof of financial responsibility may be made by filing with the commissioner the written certificate or certificates of any insurance carrier duly authorized to do business in this State, certifying that it has issued to or for the benefit of the person furnishing such proof and named as the insured a motor vehicle liability policy or policies, or in certain events an operator's policy, meeting the requirements of this act and that said policy or policies are then in full force and effect. Such certificate or certificates shall give the dates of issuance and expiration of such policy or policies and certify that the same shall not be canceled unless 10 days' prior written notice thereof be given to the commissioner and shall explicitly describe all motor vehicles covered thereby, unless the policy or policies are issued to a person who is not the owner of a motor vehicle.

(b) The commissioner shall not accept any certificate or certificates unless the same cover all motor vehicles registered in the name of the person furnishing such proof as owner and an additional certificate or certificates shall be required as a condition precedent to the subsequent registration of any motor vehicle or motor vehicles in the name of the person giving such proof as owner.

SEC. 21. *Restrictions in operating motor vehicles when certain type of policy issued.*—(a) When a certificate is filed showing that a policy or policies have been issued covering all motor vehicles owned by the insured but not insuring such person when operating any motor vehicle not owned by him it shall be unlawful for such person to operate any motor vehicle not owned by him or not covered by such certificate. In such event the commissioner shall designate the above restriction upon the operator's or chauffeur's license of such person.

(b) In the event the owner of a motor vehicle or motor vehicles desires to be relieved of the foregoing restriction and to be permitted to drive any other motor vehicle he may have such restrictions removed upon filing a certificate showing that there has been issued to him a policy of insurance insuring him as insured against liability imposed by law upon such insured for bodily injury to or death of any person or damage to property to the amounts and limits as provided under section 23 of this act with respect to any motor vehicle operated by him and which otherwise complies with the requirements of this act with respect to such type of policy. Such policy is hereinafter referred to as an operator's policy.

(c) When the person required to give proof of financial responsibility is not the owner of a motor vehicle then an operator's policy of the type and coverage described in the preceding paragraph shall be sufficient under this act.

SEC. 22. Certificate furnished by nonresident.—(a) The nonresident owner of a foreign vehicle may give proof of financial responsibility by filing with the commissioner a written certificate or certificates of an insurance carrier authorized to transact business in the State in which the motor vehicle or motor vehicles described in such certificate is registered or if such nonresident does not own a motor vehicle then in the State in which the insured resides and otherwise conforming to the provisions of this act and the commissioner shall accept the same upon condition that said insurance carrier complies with the following provisions of this section.

1. Said insurance carrier shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this State.

2. Said insurance carrier shall duly adopt a resolution which shall be binding upon it, declaring that its policies shall be deemed to be varied to comply with the law of this State relating to the terms of motor vehicle liability policies issued herein.

3. Said insurance carrier shall also agree to accept as final and binding any final judgment of any court of competent jurisdiction in this State duly rendered in any action arising out of a motor vehicle accident.

(b) If any foreign insurance carrier which has qualified to furnish proof of financial responsibility as hereinbefore required defaults in any said undertakings or agreements, the commissioner shall not thereafter accept any certificate of said carrier, whether theretofore filed or thereafter tendered, as proof of financial responsibility so long as such default continues.

SEC. 23. Motor vehicle liability policy.—(a) 1. A motor vehicle liability policy as said term is used in this act shall mean a policy of liability insurance issued by an insurance carrier authorized to transact business in this State to or for the benefit of the person named therein as insured which policy shall meet the following requirements:

2. Said policy shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

3. Said policy shall insure the person named therein and any other person using or responsible for the use of said motor vehicle or motor vehicles with the express or implied permission of said insured.

4. Said policy shall insure every said person on account of the maintenance, use or operation of said motor vehicle or motor vehicles within the continental limits of the United States or the Dominion of Canada against loss from the liability imposed by law arising from such maintenance, use or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, of \$5,000 for bodily injury to or death of one person as a result of any one accident and, subject to said limit as to one person, the amount of \$10,000 for bodily injury to or death of all

persons as a result of any one accident and the amount of \$1,000 for damage to property of others as a result of any one accident.

(b) When an operator's policy is required it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits above set forth and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

(c) Any liability policy or policies issued hereunder need not cover any liability of the insured assumed by or imposed upon said insured under any workman's compensation law nor any liability for damage to property in charge of the insured or the insured's employees.

(d) Any such policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions or stipulations not in conflict with the provisions of this act and not otherwise contrary to law.

(e) Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages.

(f) The department may accept several policies of one or more such carriers which together meet the requirements of this section.

(g) Any binder pending the issuance of any policy, which binder contains or by reference includes the provisions hereunder shall be sufficient proof of ability to respond in damages.

SEC. 24. *Additional requisites of motor vehicle liability policy.*—No motor vehicle liability policy or operator's policy shall be accepted as proof of ability to respond in damages hereunder unless and until all of the following requirements of this section shall be complied with.

(a) A copy of the form of such policy shall be filed with the commissioner of insurance who shall within 30 days approve or disapprove the same. If the commissioner of insurance approves the same within such time or fails to take action for 30 days the form of policy shall be deemed approved. If within said 30 days the commissioner of insurance disapproves such form of policy upon the ground that it does not comply with the requirements of this act he shall give written notice thereof and his reasons therefor to the carrier and said policy shall not be accepted as proof of financial responsibility under this act.

Any said form of policy shall specify the name, address, and business, if any, of the insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability and shall contain an agreement that the insurance thereunder is provided in accordance with the coverage defined in this act as respects bodily injury and death or property damage or both and is subject to all the provisions of this act.

(b) Every motor vehicle liability policy and every operator's policy accepted as proof under this act shall be subject to the following provisions whether or not contained therein.

1. The liability of the insurance carrier under any such policy shall become absolute whenever loss or damage covered by such policy occurs and the satisfaction by the insured of a final judgment

for such loss or damage shall not be a condition precedent to the right or obligation of the carrier to make payment on account of such loss or damage.

2. The insurance carrier shall, however, have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in the policy.

3. No such policy shall be canceled or annulled as respects any loss or damage by any agreement between the carrier and the insured after the said insured has become responsible for such loss or damage and any such cancellation or annulment shall be void.

4. The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this act, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance.

5. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this act shall constitute the entire contract between the parties.

SEC. 25. When insurance carrier to issue certificate.—An insurance carrier who has issued a motor vehicle liability policy or policies or an operator's policy meeting the requirements of this act shall upon request of the insured therein deliver to the insured for filing, or at the request of the insured shall file direct with the commissioner, an appropriate certificate showing that such policy or policies have been issued, which certificate shall meet the requirements of this act.

SEC. 26. Notice required before cancelation.—When an insurance carrier has certified a motor vehicle liability policy under this act it shall give 10 days' written notice to the commissioner before cancellation of such policy and the policy shall continue in full force and effect until the date of cancelation specified in such notice or until its expiration.

SEC. 27. Act not to affect other policies.—(a) This Act shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this State, and such policies, if endorsed to conform to the requirements of this act, shall be accepted as proof of financial responsibility when required under this act.

(b) This act shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance, operation, or use by persons in the insured's employ or in his behalf of motor vehicles not owned by the insured.

SEC. 28. Filing a bond as proof of financial responsibility.—(a) A person required to give proof of financial responsibility may file with the commissioner a bond meeting the requirements of this section.

(b) Such bond shall be executed by the person giving such proof and by a surety company duly authorized to transact business in

this State or by the person giving such proof and by two individual sureties, each owning real estate within this State and having an equity therein in the amount of such bond, which real estate shall be scheduled therein, and the commissioner shall not accept any such real estate bond unless it is first approved by a judge of a court of record.

(c) The commissioner shall not accept any such bond unless it is conditioned for payments in amounts and under the same circumstance as would be required in a motor vehicle liability policy furnished by the person giving such proof under this act.

(d) No such bond shall be canceled unless 10 days' prior written notice of cancellation is given the commissioner but cancellation of such bond shall not prevent recovery thereon with respect to any right or cause of action arising prior to the date of cancellation.

(e) Whenever a judgment is obtained against the principal of any such real estate bond upon a liability covered by the conditions of such bond and a notice to that effect is filed in the office of (the proper clerk or court of the county or city) where such real estate is located, then such bond shall constitute a lien upon such real estate.

(e) *(Alternate).*—Before any said real estate bond is accepted by the commissioner it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate described therein is located. Any liability covered by the conditions of said bond shall constitute a lien upon such real estate effective as of the date said bond is so recorded.

(f) If a judgment is rendered against the principal of any such surety or real estate bond upon a liability covered by the conditions of such bond and such judgment is not satisfied within 30 days after it becomes final, then the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the State against the company or persons who executed such bond including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage upon real estate.

SEC. 29. *Money or securities deposited as proof of financial responsibility.*—(a) A person may give proof of financial responsibility by delivering to the commissioner a receipt of the treasurer of this State showing the deposit with said treasurer of money in an amount or securities approved by said treasurer and of a market value in a total amount as would be required for coverage in a motor vehicle liability policy furnished by the person giving such proof under this act. Such securities shall be of a type which may legally be purchased by savings banks or for trust funds.

(b) All money or securities so deposited shall be subject to execution to satisfy any judgment mentioned in this act but shall not otherwise be subject to attachment or execution.

(c) The State treasurer shall not accept any such deposit or issue a certificate therefor, and the commissioner shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments against the depositor registered in the office of the county clerk of the county where the depositor resides.

SEC. 30. Transfer after suspension of registration.—This act shall not prevent the owner of a motor vehicle, the registration of which has been suspended hereunder, from effecting a bona fide sale of such motor vehicle to another person whose rights or privileges are not suspended under this act nor prevent the registration of such motor vehicle by such transferee.

SEC. 31. Person having given proof may substitute other proof.—The commissioner shall cancel any bond or return any certificate of insurance, or the commissioner shall direct and the State treasurer shall return any money or securities to the person entitled thereto, upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this act.

SEC. 32. If proof fails commissioner may require other proof.—Whenever any evidence of proof of ability to respond in damages filed by any person under the provisions of this act no longer fulfills the purpose for which required, the commissioner shall, for the purpose of this act, require other evidence of ability to respond in damages as required by this act, and shall suspend the operator's license, chauffeur's license, and registration certificates and registration plates of such person pending such proof.

SEC. 33. When commissioner may release proof.—The commissioner shall upon request cancel any bond or return any certificate of insurance, or the commissioner shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this act as proof of financial responsibility, or waive the requirement of filing proof of financial responsibility in any of the following events:

1. At any time after 3 years from the date such proof was required when during the 3-year period preceding the request the person furnishing such proof has not been convicted of any offense referred to in section 8 of this act; or

2. In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity of such person to operate a motor vehicle; or

3. In the event the person who has given proof of financial responsibility surrenders his operator's or chauffeur's license, registration certificates, and registration plates to the commissioner, but the commissioner shall not release such proof in the event any action for damages upon a liability referred to in this act is then pending or any judgment upon any such liability then outstanding and unsatisfied or in the event the commissioner has received notice that such person has within the period of 3 months immediately preceding been involved as a driver in any motor vehicle accident. An affidavit of the applicant of the nonexistence of such facts shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

Whenever any person to whom proof has been surrendered, as provided in the foregoing paragraph, applies for an operator's or chauffeur's license or the registration of a motor vehicle within a period of 3 years from the date proof of financial responsibility was originally required any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such period.

SEC. 34. *Commissioner to furnish operating record.*—The commissioner shall upon request furnish any insurance carrier or any person or surety a certified abstract of the operating record of any person subject to the provisions of this act, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and if there is no record of any conviction of such person of a violation of any provision of any statute relating to the operation of a motor vehicle or of any injury or damage caused by such person as herein provided, the commissioner shall so certify. The commissioner shall collect for each such certificate the sum of ----- dollars. Such record shall not be admissible as evidence in any action for damages or criminal proceeding arising out of a motor vehicle accident.

ARTICLE IV

VIOLATION OF PROVISIONS OF ACT—PENALTIES

SEC. 35. *Operating without giving proof when proof required.*—Any person whose operator's or chauffeur's license or registration card or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license or registration is contingent upon the furnishing of proof of financial responsibility and who during such suspension or revocation or in the absence of full authorization from the commissioner drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway except as permitted hereunder shall be punished by imprisonment for not less than 2 days nor more than 6 months and there may be imposed in addition thereto a fine of not more than \$500.

SEC. 36. *Forging or without authority signing evidence of ability to respond in damages.*—Any person who forges or without authority signs any evidence of ability to respond in damages as required by the commissioner in the administration of this act shall be punished by imprisonment for not more than 90 days or by fine of not less than \$100 nor more than \$1,000 or both such fine and imprisonment.

SEC. 37. *Otherwise violating act.*—Any person who violates any provision of this act for which another penalty is not prescribed by law shall be punished by imprisonment for not more than 90 days or by a fine of not less than \$100 or more than \$1,000 or both.

ARTICLE V

EFFECT OF AND SHORT TITLE OF ACT

SEC. 38. *Act not to repeal other motor vehicle laws.*—This act shall in no respect be considered as a repeal of the provisions of the State motor vehicle laws but shall be construed as supplemental thereto.

SEC. 39. *Uniformity of interpretation.*—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SEC. 40. *Short title.*—This act may be cited as the Uniform Motor Vehicle Safety Responsibility Act.

SEC. 41. *Act not retroactive.*—This act shall not have a retroactive effect and shall not apply to any judgment or cause of action arising out of an accident occurring prior to the effective date of this act.

SEC. 42. *This act does not prevent other process.*—This act shall not be construed to prevent the plaintiff in any action at law from relying for security upon the other processes provided by law.

SEC. 43. *Constitutionality.*—If any part or parts of this act shall be held unconstitutional such unconstitutionality shall not affect the validity of the remaining part of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

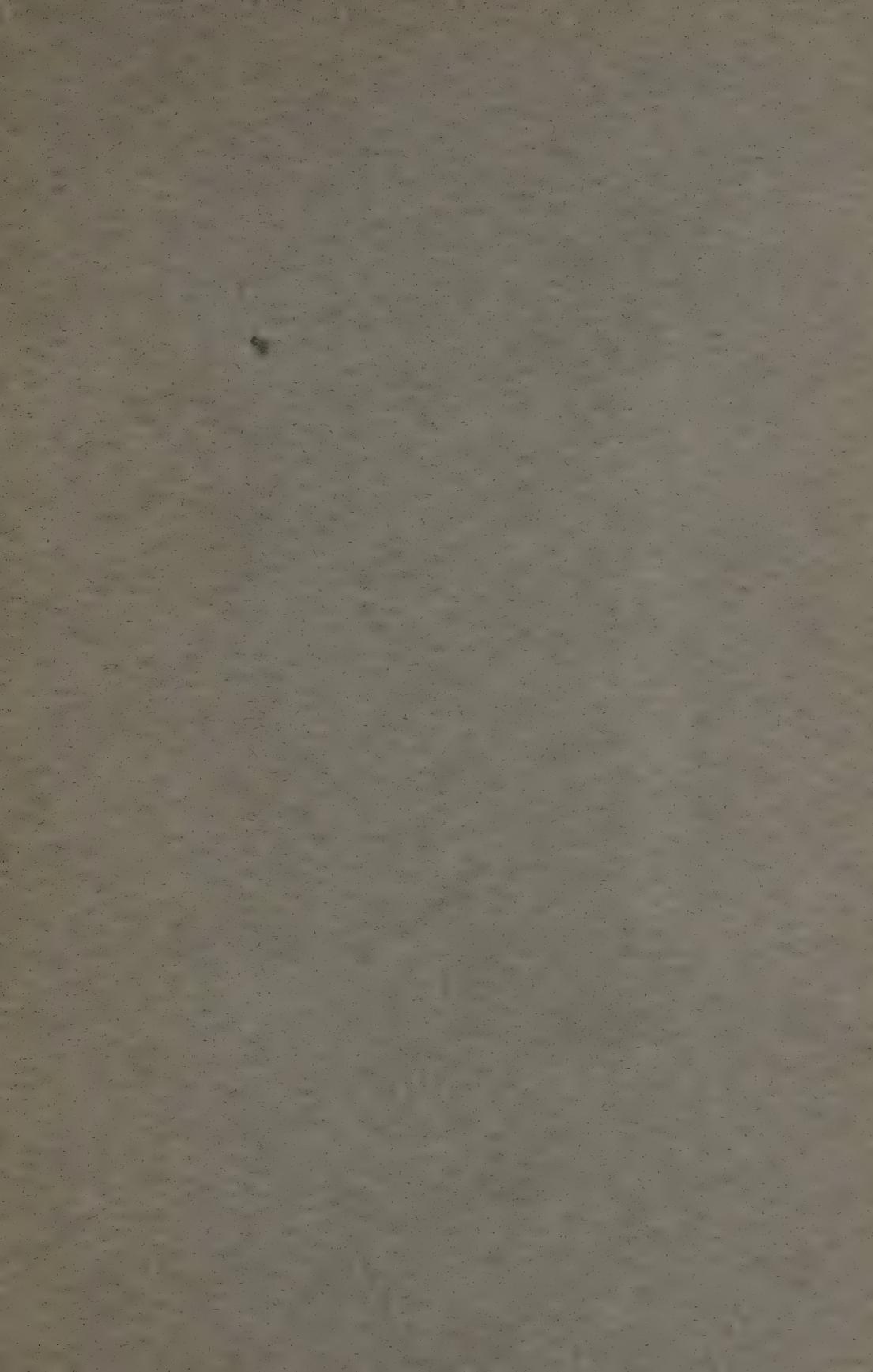
SEC. 44. The (existing motor vehicle safety responsibility act) is hereby repealed.

SEC. 45. *Time of taking effect.*—This act shall take effect from and after the ----- day of -----.

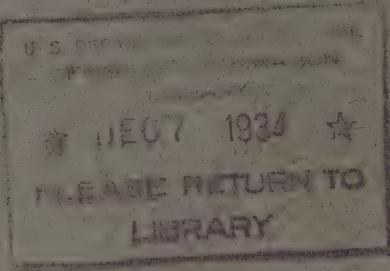
Table showing source of present provisions of act IV of the uniform vehicle code

[This act IV is based upon and includes the substantive provisions of the Safety Responsibility bill of 1932 sponsored by the American Automobile Association, the essential provisions of which have been adopted in a substantial number of States. The text of the A.A.A. bill has been rearranged, set forth in shorter sections and certain changes have been made to harmonize this act with act II of the uniform vehicle code. In the following table the sections listed under "source" are sections of the A.A.A. bill]

Section and subdivision of act IV as revised	Source in A.A.A. bill—section and subdivision	Explanation
1 to 6		
7	17	
8	2, par. 2	Definitions. Amplified. Revised and amplified. Reworded.
9	3, first paragraph and 16c	
10	3, par. 2, first sentence	
11	3, par. 5	
12	4	
13a	2, par. 4, first sentence	
b	3, par. 4, first sentence	
14	3, par. 2, second sentence	
15a	2, par. 3, and 3, par. 3	
b	2, par. 4, and 3, par. 4, second sentence	
16	2, last paragraph	
17	9	
18	2, second paragraph, last part	
19	Same effect as A.A.A. bill	
20	5, a, first paragraph	
21	In part new	
22a	5, a, second paragraph	
b	New	
23	14, par. 1	
24	14, beginning second paragraph to and including b.	
25	14, c	
26	5, a, third paragraph	
27	12	
28	5, b and 6	
29	5, c and 6	
30	New	
31	10, last paragraph	
32	5, last paragraph	
33	10	
34	7	
35	Implied in A.A.A. bill	
36	13, first part	
37	13, second part	
38 to 45	New	Revised and reworded. Reworded.



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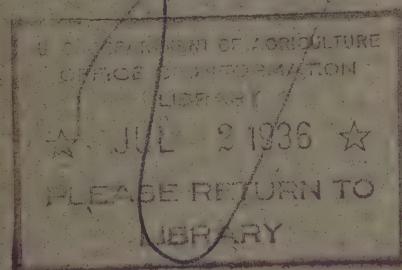


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1934
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Act V

UNIFORM ACT REGULATING
TRAFFIC ON HIGHWAYS

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Act V

UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS

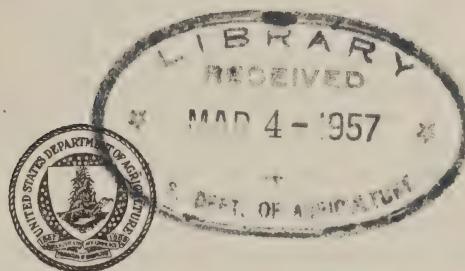
This Act is part of
Uniform Vehicle Code

CONSISTING OF

- I.—“Uniform Motor Vehicle Administration, Registration, Certificate of Title and Antitheft Act”
- II.—“Uniform Motor Vehicle Operators’ and Chauffeurs’ License Act”
- III.—“Uniform Motor Vehicle Civil Liability Act”
- IV.—“Uniform Motor Vehicle Safety Responsibility Act”
- V.—“Uniform Act Regulating Traffic on Highways”

As revised and approved by the Fourth National Conference on Street
and Highway Safety, May 23-25, 1934

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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1934

PUBLISHED UNDER AUTHORITY CONTAINED IN
THE FEDERAL HIGHWAY ACT (42 STAT. 212)

APPROVED NOVEMBER 9, 1921

FOREWORD

This act is one of five acts which constitute the uniform vehicle code as revised and recommended for State enactment as the foundation for uniform traffic regulation.

The uniform vehicle code was originally prepared in 1925-26 by the National Conference on Street and Highway Safety in cooperation with the National Conference of Commissioners on Uniform State Laws. It was reviewed and revised by the National Conference on Street and Highway Safety in 1930 and again this year. In each case the revisions were based upon thorough study by a representative committee, extending over a period of months, of the provisions of the various acts in the light of experience and changed conditions.

The changes in substance in the present code from the 1930 draft are few. The speed restrictions have been rewritten to make them simpler and more easily understood. The lighting provisions for motor vehicles have been revised in recognition of recent mechanical developments. Changes have been made in the sections dealing with sizes and weights of motor vehicles. There has been incorporated provision for periodic inspection of motor vehicles.

The first two acts of the 1930 draft, covering respectively vehicle registration and certificate of title, have been consolidated and amplified to provide for a highway patrol and new administrative features. Two new acts have been added, dealing respectively with civil liability and safety responsibility. Former acts III and IV, covering respectively drivers' licenses and regulation of traffic on highways, have been renumbered acts II and V. In all of the acts long sections have been broken up into shorter sections for clarity.

The National Conference on Street and Highway Safety, as heretofore, recommends two other sets of standards to supplement the uniform vehicle code—a model municipal traffic ordinance for municipalities and a Manual on Uniform Traffic Control Devices—the latter now covering conditions both in rural areas and in cities.

The importance of uniform legislative standards in reducing accidents and facilitating the movement of traffic cannot be overestimated, and the adoption of these standards by all States and municipalities is earnestly recommended.

DANIEL C. ROPER,
*Secretary of Commerce, Chairman,
National Conference on Street and Highway Safety.*

WASHINGTON, D.C., July 31, 1934.

NOTE.—The following associations have cooperated with the Department of Commerce in conducting the Conference: Bureau of Public Roads, U.S. Department of Agriculture; American Association of Motor Vehicle Administrators; American Automobile Association; American Mutual Alliance; American Railway Association; American Transit Association; Chamber of Commerce of the United States; National Automobile Chamber of Commerce; National Bureau of Casualty and Surety Underwriters; and National Safety Council. The Automobile Club of Southern California has made substantial contributions to the staff work of the uniform vehicle code and model municipal traffic ordinance.

Act V.—UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS

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ACT V.—UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS

TITLE OF ACT

An act regulating traffic on highways and defining certain crimes in the use and operation of vehicles, providing for traffic signs and signals and defining the power of local authorities to enact or enforce ordinances, rules, or regulations in regard to matters embraced within the provisions of this act and to provide for the enforcement of this act and the disposition of fines and forfeitures collected hereunder and to make uniform the law relating to the subject matter of this act.

*Be it enacted * * **

ARTICLE I

WORDS AND PHRASES DEFINED

SEC. 1. *Definition of words and phrases.*—The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this article.

SUBDIVISION I.—VEHICLES AND EQUIPMENT DEFINED

SEC. 2. (a) *Vehicle.*—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) *Motor vehicle.*—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) *Motorcycle.*—Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

(d) *Authorized emergency vehicle.*—Vehicles of the fire department (Fire Patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the (commissioner) or the (chief of police of an incorporated city).

(e) *School bus.*—Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

SEC. 3. (a) *Truck tractor.*—Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(b) *Farm tractor.*—Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(c) *Road tractor.*—Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

SEC. 4. (a) *Trailer.*—Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(b) *Semitrailer.*—Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

SEC. 5. (a) *Pneumatic tire.*—Every tire in which compressed air is designed to support the load.

(b) *Solid tire.*—Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(c) *Metal tire.*—Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

SEC. 6. (a) *Railroad.*—A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

(b) *Railroad train.*—A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

(c) *Street car.*—A car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

SEC. 7. (a) *Explosives.*—Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(b) *Flammable liquid.*—Any liquid which has a flash point of 70° F., or less, as determined by a tabliabue or equivalent closed cup test device.

SUBDIVISION II.—GOVERNMENTAL AGENCIES, PERSONS, OWNERS, ETC., DEFINED

SEC. 8. (a) *Commissioner.*—The commissioner of motor vehicles of this State.

(b) *Department.*—The department of motor vehicles of this State acting directly or through its duly authorized officers and agents.

SEC. 9. (a) *Person.*—Every natural person, firm, copartnership, association, or corporation.

(b) *Pedestrian.*—Any person afoot.

(c) *Driver*.—Every person who drives or is in actual physical control of a vehicle.

(d) *Owner*.—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

SEC. 10. *Police officer*.—Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

SEC. 11. *Local authorities*.—Every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this State.

SUBDIVISION III.—HIGHWAYS, RESTRICTED DISTRICTS, ZONES, ETC., DEFINED

SEC. 12. (a) *Street or highway*.—The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.¹

(b) *Private road or driveway*.—Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

(c) *Roadway*.—That portion of a highway improved, designed, or ordinarily used for vehicular travel.

(d) *Sidewalk*.—That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(e) *Laned highway*.—A highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.

(f) *Through highway*.—Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this act.

SEC. 13. *Intersection*.—The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

SEC. 14. *Crosswalk*.—(a) That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.

(b) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

SEC. 15. *Safety zone*.—The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected

¹ The above definition renders the terms "street" or "highway" synonymous and interchangeable.

or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SEC. 16. (a) *Business district*.—The territory contiguous to and including a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

(b) *Residence district*.—The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

SEC. 17. (a) *Official traffic control devices*.—All signs, signals, markings, and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(b) *Official traffic control signal*.—Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(c) *Railroad sign or signal*.—Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

SEC. 18. *Traffic*.—Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highway for purposes of travel.

SEC. 19. *Right-of-way*.—The privilege of the immediate use of the highway.

ARTICLE II

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

SEC. 20. *Provisions of act refer to vehicles upon the highways—exceptions*.—The provisions of this act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.

2. The provisions of articles IV and V shall apply upon highways and elsewhere throughout the State.

SEC. 21. *Required obedience to traffic laws*.—It is unlawful and, unless otherwise declared in this title with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this act.

SEC. 22. *Obedience to police officers*.—No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

SEC. 23. *Public officers and employees to obey act—exceptions*.—
(a) The provisions of this act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this State or any county, city, town, district, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this act with reference to authorized emergency vehicles.

(b) The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past such red or stop sign or signal. At other times drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.

(c) No driver of any authorized emergency vehicle shall assume any special privilege under this act except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.

(d) The provisions of this act shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

SEC. 24. *Traffic laws apply to persons riding bicycles or animals or driving animal-drawn vehicles.*—Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this act applicable to the driver of a vehicle, except those provisions of this act which by their nature can have no application.

SEC. 25. *Provisions of act uniform throughout State.*—The provisions of this act shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this act unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this act.

SEC. 26. *Powers of local authorities.*—(a) The provisions of this act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from—

1. Regulating the standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic control signals;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks;
6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections;
7. Restricting the use of highways as authorized in article XVI of this act.

(b) No ordinance or regulation enacted under subdivisions (4), (5), (6), or (7) of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

SEC. 27. *This act not to interfere with rights of owners of real property with reference thereto.*—Nothing in this act shall be construed to prevent the owner of real property used by the public for

purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this act, or otherwise regulating such use as may seem best to such owner.

ARTICLE III

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

SEC. 28. *State highway commission to adopt sign manual.*—(The State highway commission) shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this act for use upon highways within this State. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State highway officials.

SEC. 29. *(State highway commission) to sign all State (and county) highways.*—(a) (The State highway commission) shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all State (and county) highways as it shall deem necessary to indicate and to carry out the provisions of this act or to regulate, warn, or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of (the State highway commission) except by the latter's permission.

SEC. 30. *Local traffic-control devices.*—(a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the State manual and specifications.²

(b) Optional: Local authorities in exercising those functions referred to in the preceding paragraph shall be subject to the direction and control of (the State highway commission).³

SEC. 31. *Obedience to official traffic-control devices.*—No driver of a vehicle or motorman of a street car shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this act, unless at the time otherwise directed by a police officer.

SEC. 32. *Traffic-control signal legend.*—Whenever traffic is controlled by traffic-control signals exhibiting the words "Go", "Caution", or "Stop" or exhibiting different colored lights successively one at a time the following colors only shall be used and said terms and lights shall indicate as follows:

² SEC. 30. Sub. (a) leaves to local authority complete jurisdiction to determine the number and location of all such traffic-control devices upon highways under their jurisdiction requiring only that all such devices shall conform to the State manual and specifications.

³ Optional Sub. (b) if adopted would vest in the (State highway commission) authority to direct and control where and what number of traffic-control devices might be erected by local authorities. This may be objectionable to some local authorities although it is recognized that in certain instances local authorities having a free hand in this matter have erected such numbers of regulatory signs and signals as to unduly delay traffic and invite disobedience by the motoring public.

(a) Green alone or "Go."

1. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(b) Yellow alone or "Caution" when shown following the green or "Go" signal.

1. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection.

2. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(c) Red alone or "Stop."

1. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and shall remain standing until green or "Go" is shown alone.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) Red with green arrow.

1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(e) The motorman of any street car shall obey the above signals as applicable to vehicles.⁴

SEC. 33. *Flashing signals.*—Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

SEC. 34. *Display of unauthorized signs, signals, or markings.*—(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device

⁴ It is recommended that the color yellow be used only before red. If yellow is used following the red, traffic facing a signal has a tendency to start before the green signal appears, causing interference with cross traffic clearing the intersection.

which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(b) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

SEC. 35. *Interference with official traffic-control devices or railroad signs or signals.*—No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

ARTICLE IV

ACCIDENTS

SEC. 36. *Accidents involving death or personal injuries.*—(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 38. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with said requirements under such circumstances shall upon conviction be punished by imprisonment for not less than 30 days nor more than 1 year or by fine of not less than \$100 nor more than \$5,000, or by both such fine and imprisonment.

(c) The commissioner shall revoke the operator's or chauffeur's license of the person so convicted.

SEC. 37. *Accident involving damage to vehicle.*—The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 38. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.

SEC. 38. *Duty to give information and render aid.*—The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration

number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

SEC. 39. *Duty upon striking unattended vehicle.*—The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

SEC. 40. *Duty upon striking fixtures upon a highway.*—The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in section 41 hereof.

SEC. 41. *Duty to report accidents.*—(a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of \$50 or more shall, within 24 hours after such accident, forward a written report of such accident to the department.

(b) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.

SEC. 42. *When driver unable to report.*—Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report.

SEC. 43. *Accident report forms.*—(a) The department shall prepare and upon request supply to police departments, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports required hereunder, which reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(b) Every required accident report shall be made on a form approved by the department.

SEC. 44. *Coroners to report.*—Every coroner or other official performing like functions shall on or before the 10th day of each month report in writing to the department the death of any person within

his jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of such accident.

SEC. 45. *Accident reports confidential.*—All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

SEC. 46. *Department to tabulate and analyze accident reports.*—The department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents.

SEC. 47. *Any incorporated city may require accident reports.*—Any incorporated city, town, village, or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the department. All such reports shall be for the confidential use of the city department and subject to the provisions of section 45 of this act.

ARTICLE V

NEGLIGENT HOMICIDE, DRIVING WHILE INTOXICATED, AND RECKLESS DRIVING

SEC. 48. *Negligent homicide.*—(a) When the death of any person ensues within 1 year as a proximate result of injury received by the driving of any vehicle in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

(b) Any person convicted of negligent homicide shall be punished by imprisonment for not more than 1 year or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment.

(c) The commissioner shall revoke the operator's or chauffeur's license of any person convicted of negligent homicide.

SEC. 49. *Persons under the influence of intoxicating liquor or narcotic drugs.*—(a) It is unlawful and punishable as provided in subdivision (b) of this section for any person who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive any vehicle within this State.

(b) Every person who is convicted of a violation of this section shall be punished by imprisonment for not less than 10 days nor more than 1 year, or by fine of not less than \$100 nor more than \$1,000,

or by both such fine and imprisonment. On a second or subsequent conviction he shall be punished by imprisonment for not less than 90 days nor more than 1 year, and, in the discretion of the court, a fine of not more than \$1,000.

The commissioner shall revoke the operator's or chauffeur's license of any person convicted under this section.⁵

SEC. 50. *Reckless driving.*—(a) Any person who drives any vehicle in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than 5 days nor more than 90 days, or by fine of not less than \$25 nor more than (\$500), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than 10 days nor more than 6 months, or by a fine of not less than \$50 nor more than (\$1,000), or by both such fine and imprisonment.

ARTICLE VI

SPEED RESTRICTIONS

SEC. 51. *Speed restrictions.*—(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

(b) Where no special hazard exists the following speeds shall be lawful but any speed in excess of said limits shall be *prima facie* evidence that the speed is not reasonable or prudent and that it is unlawful:

1. Twenty miles per hour in any business district;
2. Twenty-five miles per hour in any residence district;
3. Forty-five miles per hour under other conditions.

(c) The fact that the speed of a vehicle is lower than the foregoing *prima facie* limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(d) Whenever the (State highway commission) shall determine upon the basis of an engineering and traffic investigation that any *prima facie* speed hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said (commission) shall determine and declare a reasonable and safe *prima facie* speed limit thereat which shall be effective when appropriate signs giving notice

⁵ Secs. 48, 49, and 50 apply whether any such offense is committed upon a public highway or elsewhere within the State.

thereof are erected at such intersection or other place or part of the highway.

(e) In every charge of violation of this section the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the *prima facie* speed applicable within the district or at the location.

(f) The foregoing provisions of this section shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident.

SEC. 52. *When local authorities may alter prima facie limits.*—

(a) Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the *prima facie* speed permitted under this act at any intersection is greater than is reasonable or safe under the conditions found to exist at such intersection, such local authority shall determine and declare a reasonable and safe *prima facie* speed limit thereat, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or upon the approaches thereto.

(b) Local authorities in their respective jurisdictions may in their discretion authorize by ordinance higher *prima facie* speeds than those stated in section 51 upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections provided signs are erected giving notice of the authorized speed, but local authorities shall not have authority to modify or alter the basic rule set forth in subdivision (a) of section 51 or in any event to authorize by ordinance a speed in excess of 45 miles per hour.

SEC. 53. *Minimum speed regulation.*—No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Police officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor.

SEC. 54. *Special speed limitation on elevated structures.*—(a) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(b) The (State highway commission) upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this act, the (commission) shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of 100 feet before each end of such structure.

(c) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said (commission) and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

SEC. 55. *When speed restrictions not applicable.*—The *prima facie* speed limitations set forth in this article shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren, or exhaust whistle. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

ARTICLE VII

DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING, ETC.

SEC. 56. *Drive on right side of roadway—exceptions.*—Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
2. When the right half of a roadway is closed to traffic while under construction or repair;
3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
4. Upon a roadway designated and signposted for one way traffic.

SEC. 57. *Passing vehicles proceeding in opposite directions.*—Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

SEC. 58. *Overtaking a vehicle on the left.*—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SEC. 59. *When overtaking on the right is permitted.*—(a) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

(b) The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unob-

structed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

SEC. 60. *Limitations on overtaking on the left.*—(a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(b) No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed;

2. When approaching within 100 feet of any bridge, viaduct, or tunnel or when approaching within 100 feet of or traversing any intersection or railroad grade crossing;

3. Where official signs are in place directing that traffic keep to the right, or a distinctive center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by (the State highway commission).

SEC. 61. *One-way roadways and rotary traffic islands.*—(a) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

(b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

SEC. 62. *Driving on roadways laned for traffic.*—Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into 3 lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

SEC. 63. *Following too closely.*—(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any motor truck or motor truck drawing another vehicle when traveling upon a roadway outside of a business or residence district shall not follow within 150 feet of another motor truck or motor truck drawing another vehicle. The provisions of this subdivision shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks.

ARTICLE VIII

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

SEC. 64. *Turning at intersections.*—The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

(b) Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

(c) Approach for a left turn from a 2-way street into a 1-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a 1-way street into a 2-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

(d) Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

SEC. 65. *Turning on curve or crest of grade prohibited.*—No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

SEC. 66. *Starting parked vehicle.*—No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

SEC. 67. *When signal required.*—(a) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

(b) A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

SEC. 68. *Signals by hand and arm or signal device.*—The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the department, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or device.

SEC. 69. *Method of giving hand and arm signals.*—Whenever the signal is given by means of the hand and arm the driver shall indicate his intention to start, stop, or turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

ALT. SEC. 69. *Method of giving hand and arm signals.*⁶—All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn.—Hand and arm extended horizontally.
2. Right turn.—Hand and arm extended upward or moved with a sweeping motion from the rear to the front.
3. Stop or decrease of speed.—Hand and arm extended downward.

ARTICLE IX

RIGHT-OF-WAY

SEC. 70. *Vehicles approaching or entering intersection.*—(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(b) When two vehicles enter an intersection from different highways at the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(c) The foregoing rules are modified at through highways and otherwise as hereinafter stated in this article.

SEC. 71. *Vehicle turning left at intersection.*—The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this act, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

SEC. 72. *Vehicle entering through highway or stop intersection.*—(a) The driver of a vehicle shall stop as required by this act at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through high-

⁶ When a State desires to require distinctive signals for a left or right turn or a stop this method is recommended.

way as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

(b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

SEC. 73. *Vehicle entering highway from private road or driveway.*—The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

SEC. 74. *Operation of vehicles and street cars on approach of authorized emergency vehicles.*—(a) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every street car shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(c) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

ARTICLE X

PEDESTRIANS' RIGHTS AND DUTIES

SEC. 75. *Pedestrians subject to traffic control signals.*—Pedestrians shall be subject to traffic control signals at intersections as heretofore declared in this act, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

SEC. 76. *Pedestrians' right-of-way at crosswalks.*—(a) Where traffic control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

SEC. 77. *Crossing at other than crosswalks.*—(a) Every pedestrian crossing a roadway at any point other than within a marked

crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) Notwithstanding the provisions of this section every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

SEC. 78. *Pedestrians to use right half of crosswalks.*—Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

SEC. 79. *Pedestrians soliciting rides.*—No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

ARTICLE XI

STREET CARS AND SAFETY ZONES

SEC. 80. *Passing street car on left.*—(a) The driver of a vehicle shall not overtake and pass upon the left nor drive upon the left side of any street car proceeding in the same direction, whether such street car is actually in motion or temporarily at rest, except:

1. When so directed by a police officer;
2. When upon a one-way street; or
3. When upon a street where the tracks are so located as to prevent compliance with this section.

(b) The driver of any vehicle when permitted to overtake and pass upon the left of a street car which has stopped for the purpose of receiving or discharging any passenger shall reduce speed and may proceed only upon exercising due caution for pedestrians and shall accord pedestrians the right-of-way when required by other sections of this act.

SEC. 81. *Passing street car on right.*—The driver of a vehicle overtaking upon the right any street car stopped or about to stop for the purpose of receiving or discharging any passenger shall stop such vehicle at least five feet to the rear of the nearest running board or door of such street car and thereupon remain standing until all passengers have boarded such car or upon alighting have reached a place of safety, except that where a safety zone has been established a vehicle need not be brought to a stop before passing any such street car but may proceed past such car at a speed not greater than is reasonable and proper and with due caution for the safety of pedestrians.

SEC. 82. *Driving on street car tracks.*—(a) The driver of any vehicle proceeding upon any street-car track in front of a street car upon a street shall remove such vehicle from the track as soon as practical after signal from the operator of said street car.

(b) When a street car has started to cross an intersection, no driver of a vehicle shall drive upon or cross the car tracks within the intersection in front of the street car.

(c) The driver of a vehicle upon overtaking and passing a street car shall not turn in front of such street car so as to interfere with or impede its movement.

SEC. 83. *Driving through safety zone prohibited.*—No vehicle shall at any time be driven through or within a safety zone.

ARTICLE XII

SPECIAL STOPS REQUIRED

SEC. 84. *Obedience to signal indicating approach of train.*—(a) Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train, the driver of such vehicle shall stop within fifty feet but not less than ten feet from the nearest track of such railroad and shall not proceed until he can do so safely.

(b) The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train.

SEC. 85. *All vehicles must stop at certain railroad grade crossings.*—The (State highway commission) is hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 10 feet from the nearest track of such grade crossing and shall proceed only upon exercising due care.

SEC. 86. *Certain vehicles must stop at all railroad grade crossings.*—(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 10 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely.

(b) No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.

(c) This section shall not apply at street railway grade crossings within a business or residence district.

SEC. 87. *Moving heavy equipment at railroad grade crossing.*—(a) No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of .6 or less miles per hour or a vertical body or load clearance of less than 9 inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 10 feet nor more than 50 feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

SEC. 88. *Vehicles must stop at through highways.*—(a) The (State highway commission) with reference to State (and county) highways, and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection.

(b) Every said sign shall bear the word "Stop" in letters not less than 6 inches in height which shall be self-illuminated at night or, if not, shall be provided with reflector buttons. Every stop sign shall be located as near as practical at the property line of the highway at the entrance to which the stop must be made, or at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.

(c) Every driver of a vehicle and every motorman of a street car shall stop at such sign or at a clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic control signal.

SEC. 89. *Stop before emerging from alley or private driveway.*—The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or private driveway.

ARTICLE XIII

STOPPING, STANDING, AND PARKING

SEC. 90. *Stopping, standing, or parking outside of business or residence districts.*—(a) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of the highway when it is practical to stop, park, or so leave such vehicle off such part of said highway, but in every event a clear and unobstructed width of at least 20 feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of 200 feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

SEC. 91. *Officers authorized to remove illegally stopped vehicles.*—

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

SEC. 92. *Stopping, standing, or parking prohibited in specified places.*—(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within 15 feet of a fire hydrant;
5. On a crosswalk;
6. Within 20 feet of a crosswalk at an intersection;
7. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the (traffic authority) indicates a different length by signs or markings;
9. Within 50 feet of the nearest rail of a railroad crossing;
10. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted);
11. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
14. At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

SEC. 93. *Parking at right-hand curb.*—Except where angle parking is permitted by local ordinance every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of such vehicle parallel with and within 12 inches of the right-hand curb.

ARTICLE XIV

MISCELLANEOUS RULES

SEC. 94. *Unattended motor vehicle.*—No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

SEC. 95. *Obstruction to driver's view or driving mechanism.*—(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle or street car shall ride in such position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or street car.

SEC. 96. *Driving on mountain highways.*—The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway, shall give audible warning with the horn of such motor vehicle.

SEC. 97. *Coasting prohibited.*—(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

SEC. 98. *Following fire apparatus prohibited.*—The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

SEC. 99. *Crossing fire hose.*—No street car or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or street car track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

SEC. 100. *Putting glass, etc., on highway prohibited.*—(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

SEC. 101. *Overtaking and passing school bus.*—(a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall drive at a speed which is reasonable and prudent and with due caution for the safety of any such children and in no event in excess of 10 miles per hour in passing such school bus.

(b) This section shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than 4 inches in height which can be removed or covered when the vehicle is not in use as a school bus.

SEC. 102. *Regulations relative to school busses.*—(a) The (State board of education) by and with the advice of the motor vehicle commissioner shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school busses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this State and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(b) Any officer or employee of any school district who violates any of said regulations or fails to include obligation to comply with said regulations in any contract executed by them on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any said regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.

ARTICLE XV

EQUIPMENT

SEC. 103. *Scope and effect of regulations.*—(a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article, or which is equipped in any manner in violation of this article, or for any person to do any act forbidden or fail to perform any act required under this article.

(b) The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

SEC. 104. *When lighted lamps are required.*—(a) Every vehicle upon a highway within this State at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles

on the highway at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated.

(b) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subdivision (a) of this section upon a straight level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

SEC. 105. *Head lamps on motor vehicles.*—(a) Every motor vehicle other than a motorcycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article.

(b) Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this article.

SEC. 106. *Rear lamps and reflectors.*—(a) Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles shall be equipped with a lighted rear lamp, exhibiting a red light plainly visible from a distance of 500 feet to the rear.

(b) Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. When the rear license plate is illuminated by an electric lamp other than the required rear lamp, said two lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted.

(c) Every new motor vehicle, trailer, or semitrailer hereafter sold and every commercial vehicle hereafter operated on a highway shall also carry at the rear, either as a part of the rear lamp or separately, a red reflector meeting the requirements of this section.

(d) Whenever a red reflector is required or permitted to be used in substitution of lamps upon a vehicle under any of the provisions of this act, such reflector shall be mounted upon the vehicle at a height not to exceed 42 inches nor less than 24 inches above the ground upon which the vehicle stands, and every such reflector shall be so designed and maintained as to be visible at night from all distances within 300 feet to 50 feet from such vehicle, except that on a commercial vehicle the reflector shall be visible from all distances within 500 feet to 50 feet from such vehicle, when directly in front of a motor vehicle displaying lawfully lighted head lamps as provided in section 115 (a) hereof.

SEC. 107. *Clearance, identification, and side marker lamps.*—Within (—) days after the effective date of this act every motor vehicle or motor-drawn vehicle designed or used for the transportation of property or for the transportation of passengers for compensation, except buses operated entirely within municipalities when their interiors are illuminated, shall display lighted lamps at the times mentioned in section 104 when and as required in this section, except that such lamps may be but are not required to be lighted when any such vehicle is upon a highway which is sufficiently illumi-

nated by street lamps to render any person or vehicle visible at a distance of 500 feet.

1. Clearance lamps: Every such vehicle having a width at any part in excess of 80 inches shall be equipped with two clearance lamps located on the extreme left side of such vehicle, one located at the front and displaying a green light visible from a distance of 500 feet to the front of the vehicle and the other located at the rear of the vehicle and displaying a red light visible from a distance of 500 feet to the rear of the vehicle, which said rear clearance lamp shall be in addition to the red rear lamp hereinbefore required.

2. Identification lamps, front and rear: Every such vehicle or combination of such vehicles having a length in excess of 30 feet or a width in excess of 80 inches shall be equipped with lamps on the front displaying 3 green lights and lamps on the rear displaying 3 red lights and the lights in each such group shall be evenly spaced not less than 6 nor more than 12 inches apart along a horizontal line near the top of the vehicle and said lights shall be visible from distances of 500 feet to the front and rear, respectively, of the vehicle.

3. Side marker lamps: Every such vehicle or combination of such vehicles which exceeds 20 feet in overall length shall be equipped with at least 4 side marker lamps, 1 on each side near the front and 1 on each side near the rear. Said lamps near the front shall display green lights and said lamps near the rear shall display red lights each visible from a distance of 500 feet to the side of the vehicle on which it is located. If the clearance lamps on the left side of a vehicle as hereinbefore required display lights visible from a distance of 500 feet at right angles to the left of the vehicle they shall be deemed to meet the requirements as to left marker lamps in this paragraph. In lieu of such side marker lamps any such vehicle may be equipped with 4 reflectors, 2 on each side and otherwise meeting the requirements of this act.

SEC. 108. *Lamp or flag on projecting load.*—Whenever the load upon any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 104 hereof, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 16 inches square.

SEC. 109. *Lamps on parked vehicles.*—Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended during the times mentioned in section 104, such vehicle shall be equipped with one or more lamps which shall exhibit a white light on the roadway side visible from a distance of 500 feet to the front of such vehicle and a red light visible from a distance of 500 feet to the rear, except that local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or object within a distance of 500 feet upon such highway. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

SEC. 110. *Lamps on bicycles.*—Every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear; except that a red reflector meeting the requirements of this act may be used in lieu of a rear light.

SEC. 111. *Lamps on other vehicles and equipment.*—All vehicles, including animal-drawn vehicles and including those referred to in section 103 (b) not hereinbefore specifically required to be equipped with lamps, shall at the times specified in section 104 hereof be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear.

SEC. 112. *Spot lamps and auxiliary driving lamps.*—(a) Any motor vehicle may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not to exceed three auxiliary driving lamps mounted on the front at a height not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in this article.

SEC. 113. *Signal lamps and signal devices.*—(a) Any motor vehicle may be equipped, and when a signal lamp or device is required under this act shall be equipped, with a signal lamp or signal device which is so constructed and located on the vehicle as to give a signal of intention to stop which shall be red or yellow in color and signals of intention to turn to the right or left, all of which signals shall be plainly visible and understandable in normal sunlight and at night from a distance of 100 feet to the front and rear but shall not project a glaring or dazzling light; except that a stop signal need be visible only from the rear.

(b) All mechanical signal devices shall be self-illuminated when in use at the times mentioned in section 104.

SEC. 114. *Additional lighting equipment.*—(a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp; except that no such back-up lamp shall be continuously lighted when the motor vehicle is in forward motion.

SEC. 115. *Multiple-beam road lighting equipment.*⁷—Except as hereinafter provided, the headlamps, or the auxiliary driving lamps, or combinations thereof, on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected

⁷ See footnote on page 28.

to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading. The maximum intensity of this uppermost distribution of light or composite beam 1 degree of arc or more above the horizontal level of the lamps when the vehicle is not loaded shall not exceed 8,000 apparent candlepower, and at no other point of the distribution of light or composite beam shall there be an intensity of more than 75,000 apparent candlepower.

(b) There shall be a lowermost distribution of light, or composite beam, so aimed that:

1. When the vehicle is not loaded, none of the high-intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall, at a distance of 25 feet ahead, project higher than a level of 10 inches below the level of the center of the lamp from which it comes.

2. When the vehicle is not loaded, none of the high-intensity portion of the light which is directed to the right of the prolongation of the extreme left side of the vehicle shall, at a distance of 25 feet ahead, project higher than a level of 5 inches below the level of the center of the lamp from which it comes.

3. In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

(c) Where one intermediate beam is provided, the beam on the left side of the road shall be in conformity with (b) (1) of this section except when arranged in accordance with the practice specified in (e).

(d) All road lighting beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least 100 feet ahead.

(e) All road lighting equipment manufactured and installed on and after January 1, 1936, shall be so arranged that whenever any beam is used which is not in conformity with paragraph (b) (1) of this section, two white or yellow lights, one on each side of the vehicle, visible to an oncoming driver and to the driver of said vehicle shall be lighted, except that other suitable alternate means may be provided for indicating to the driver behind the light when such beams are on. Indicator lights shall not be connected otherwise than as required in this paragraph. Beam indicator lights and front parking lights shall be so connected that neither of said lights shall be lit when a beam is in use which conforms with paragraph (b) (1) of this section.

SEC. 116. *Use of multiple-beam road lighting equipment.*⁷—(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 104, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations.

⁷ See footnote on page 28.

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver, and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of 25 feet ahead, and in no case higher than a level of 42 inches above the level upon which the vehicle stands at a distance of 75 feet ahead.

The lowermost distribution of light specified in section 115, paragraph (b), subparagraph 1, shall be deemed to avoid glare at all times regardless of road contour and loading.

SEC. 117. *Single-beam road lighting equipment.*⁷—Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to one year after the effective date of this act in lieu of multiple-beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of 25 feet ahead project higher than a level of 5 inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

SEC. 118. *Alternate road lighting equipment.*⁷—Any motor vehicle may be operated under the conditions specified in section 104 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects 75 feet ahead in lieu of lamps required in section 115 or section 117 provided, however, that at no time shall it be operated at a speed in excess of 20 miles per hour.

SEC. 119. *Number of driving lamps required or permitted.*—(a) At all times specified in section 104, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

SEC. 120. *Special restrictions on lamps.*—(a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, or auxiliary driving lamps which projects a beam of

⁷ It is recommended that the motor vehicle commissioner in each State adopt current standard specifications for headlamps, auxiliary driving lamps, rear lamps, signal lamps and reflectors as promulgated by the recognized engineering societies. In view of the fact that the headlighting art is a developing one, these specifications are necessarily of a temporary character, and are subject to revision from time to time. It follows, therefore, that while they are applicable to use in connection with regulation by State authorities having administrative powers, they are not suitable for inclusion in State laws where the requisite flexibility of revision is absent.

light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front thereof. This section shall not apply to authorized emergency vehicles.

(c) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or left turn.

SEC. 121. *Selling or using lamps or devices.*—(a) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer or use upon any such vehicle any head lamp, auxiliary driving lamp, rear lamp, signal lamp or reflector which reflector is required hereunder, or parts of any of the foregoing, which tend to change the original design or performance, unless of a type which has been submitted to the commissioner and approved by him.

(b) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semi-trailer any lamp or device mentioned in this section which has been approved by the commissioner unless such lamp or device bears thereon the trade-mark or name under which it is approved so as to be legible when installed.

(c) No person shall use upon any motor vehicle, trailer or semi-trailer any lamps mentioned in this section unless said lamps are equipped with bulbs of a rated candlepower and are mounted and adjusted as to focus and aim in accordance with instructions of the commissioner.

SEC. 122. *Authority of commissioner with reference to lighting devices.*—1. The commissioner is hereby authorized to approve or disapprove lighting devices.

2. The commissioner is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this act, within a reasonable time after such device has been submitted.

3. The commissioner is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

4. The commissioner upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by him.

5. The commissioner shall publish lists of all lamps and devices by name and type which have been approved by him, together with instructions as to the permissible candlepower rating of the bulbs which he has determined for use therein and such other instructions as to adjustment as the commissioner may deem necessary.⁸

SEC. 123. *Revocation of certificate of approval on lighting devices.*—When the commissioner has reason to believe that an approved device as being sold commercially does not comply with the requirements of this act, he may, after giving 30 days' previous notice to the person holding the certificate of approval for such

⁸ It is recommended in the interest of national uniformity that the procedure with respect to submission of devices for approval shall, so far as possible, conform with the procedure followed in other States.

device in this State, conduct a hearing upon the question of compliance of said approved device. After said hearing the commissioner shall determine whether said approved device meets the requirements of this act. If said device does not meet the requirements of this act he shall give notice to the person holding the certificate of approval for such device in this State.

If at the expiration of 90 days after such notice the person holding the certificate of approval for such device has failed to satisfy the commissioner that said approved device as thereafter to be sold meets the requirements of this act, the commissioner shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this act, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this act. The commissioner may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this act, the commissioner may refuse to renew the certificate of approval of such device.

SEC. 124. *Brakes.*—(a) Brake equipment required.

1. Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

2. Every motorcycle, and bicycle with motor attached, when operated upon a highway shall be equipped with at least one brake, which may be operated by hand or foot.

3. Every trailer or semitrailer of a gross weight of 3,000 pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

4. Every new motor vehicle, trailer, or semitrailer hereafter sold in this State and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motorcycle, and except that any semitrailer of less than 1,500 pounds gross weight need not be equipped with brakes.

(b) Performance ability of brakes.

1. The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle or vehicles when traveling 20 miles per hour within a distance of 30 feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed 1 percent.

2. Under the above conditions the hand brake shall be adequate to stop such vehicle or vehicles within a distance of 55 feet and

said hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.

3. Under the above conditions the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted hereunder, shall be adequate to stop the vehicle within a distance of 40 feet and the hand brake adequate to stop the vehicle within a distance of 55 feet.

4. All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act.

5. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

SEC. 125. *Horns and warning devices.*—(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this subdivision. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when necessary to warn pedestrians and other drivers of the approach thereof.

(c) No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.

SEC. 126. *Mufflers, prevention of noise.*—Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.

SEC. 127. *Mirrors.*—Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

SEC. 128. *Windshields must be unobstructed and equipped with wipers.*—(a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be so displayed by law.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

SEC. 129. *Restrictions as to tire equipment.*—(a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least 1 inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(d) The (State highway commission) and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this act.

SEC. 130. *Safety glass in motor vehicles.*—(a) On and after (date) (6 months suggested) no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter which is designed or used for the purpose of transporting passengers for compensation or as a school bus unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

(b) On and after (date) (1 year suggested) no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter unless such vehicle is equipped with safety glass wherever glass is used in the windshield.

(c) The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the commissioner.

(d) The commissioner shall compile and publish a list of types of glass by name approved by him as meeting the requirements of this section and the commissioner shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glass, and he shall suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

SEC. 131. *Trucks to carry flares or similar devices.*—(a) No person shall operate any motor truck upon a highway outside of a

business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number of flares, not less than three, or electric lanterns or other signals capable of continuously producing three warning lights each visible from a distance of at least 500 feet for a period of at least 8 hours, except that a motor vehicle transporting flammables may carry red reflectors in place of the other signals above mentioned.

Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section.

(b) Whenever any motor truck and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles and such motor truck cannot immediately be removed from the main travelled portion of a highway outside of a business or residence district, the driver or other person in charge of such vehicle shall cause such flares, lanterns, or other signals to be lighted and placed upon the highway, one at a distance of approximately 100 feet in advance of such vehicle, one at a distance of approximately 100 feet to the rear of the vehicle and the third upon the roadway side of the vehicle, except that if the vehicle is transporting flammables three red reflectors may be so placed in lieu of such other signals and no open burning flare shall be placed adjacent to any such last mentioned vehicle.

(c) No person shall at any time operate a motor truck transporting explosives as a cargo or part of a cargo upon a highway unless it carries flares or electric lanterns as herein required, but such flares or electric lanterns must be capable of producing a red light and shall be displayed upon the roadway when and as required in this section.

SEC. 132. *Vehicles transporting explosives.*—Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

(a) Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than 8 inches high, or there shall be displayed on the rear of such vehicle a red flag not less than 24 inches square marked with the word "Danger" in white letters 6 inches high.

(b) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

(c) The commissioner is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public.⁹

SEC. 133. *Appointment of official inspection stations.*—(a) The commissioner shall issue permits for and furnish instructions and all necessary forms to official inspection stations for the inspection and adjustment of brakes, lighting equipment, steering mechanism,

⁹ Provision (c) is recommended for adoption in those States where permissible.

horns, mirrors, windshield wipers, and other equipment of motor vehicles, trailers, and semitrailers.

(b) Application for permit shall be made upon an official form and shall be granted only when the commissioner is satisfied that the station is properly equipped and has competent personnel to make such inspections and adjustments and will be properly conducted. The commissioner before issuing a permit may require the applicant to file a bond conditioned that it will make compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of such applicant or its employees.

(c) The commissioner shall properly supervise and cause inspections to be made of such stations and shall revoke and require the surrender of the permit issued to a station which he finds is not properly equipped or conducted. The commissioner shall maintain and post at the office of the department lists of all stations holding permits and of those whose permits have been revoked.

SEC. 134. *Commissioner to require periodical inspection.*—(a) The commissioner shall at least once each year, but not more frequently than twice each year, by public announcement designate a period of not to exceed 3 months during which all resident owners of motor vehicles, trailers, and semitrailers must submit such vehicles to inspection and obtain for each such vehicle a certificate of inspection and approval duly issued by an official station. Thereafter, for a period of 3 months every resident owner of any said vehicle must display a certificate of inspection and approval duly issued for such vehicle either upon the lower right-hand corner of the windshield thereof when required by the commissioner or upon such vehicle in such position as to be visible from the outside.

(b) The commissioner may authorize the acceptance in this State of a certificate of inspection and approval issued in another State having an inspection law similar to this act and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this State during the time an inspection was required.

(c) The commissioner may suspend the registration of any vehicle which he determines is in such unsafe condition as to constitute a menace to safety or which after notice and demand is not equipped as required in this act or for which a required certificate has not been obtained.

SEC. 135. *Operation of official inspection stations.*—(a) No permit for an official station shall be assigned or transferred or used at any location other than therein designated and every said permit shall be posted in a conspicuous place at the location designated.

(b) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form to the owner of a vehicle upon inspecting such vehicle and determining that its equipment required hereunder is in good condition and proper adjustment, otherwise no certificate shall be issued. When required by the commissioner record and report shall be made of every inspection and every certificate so issued.

(c) A certificate of inspection and approval may be issued free of charge or a fee of not more than 50 cents may be charged for an inspection and issuance of such certificate.

SEC. 136. *Improper representation as official station.*—(a) No person shall in any manner represent any place as an official inspection station unless such station is then operating under a valid permit. Nor shall any person issue a certificate of inspection and approval unless then holding a valid permit hereunder.

(b) No person shall make, issue, or knowingly use any imitation or counterfeit of an official certificate of inspection.

SEC. 137. *Owners and drivers to comply with inspection laws.*—

(a) In the event repair or adjustment of the equipment of any vehicle is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose, but in every event a certificate of inspection and approval must be obtained from an official inspection station whenever required under the provisions of this act; otherwise any such vehicle shall not be operated upon the highways of this State.

(b) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

SEC. 138. *Enforcement by police officers.*—(a) The commissioner and such officers and employees of the department and such other police officers as the commissioner may authorize in writing may, upon reasonable cause, require the driver of a vehicle to stop and submit such vehicle and its equipment to an inspection and such test with reference thereto as may be appropriate. In the event such vehicle is found to be in an unsafe condition or the required equipment is not present or is not in proper repair and adjustment the officer shall give a written notice to the driver and shall send a copy thereof to the department. Said notice shall require that such vehicle be placed in safe condition and its equipment in proper repair and adjustment and a certificate of inspection and approval for such vehicle be obtained within 5 days.

Every owner or driver upon receiving any such notice shall comply therewith and shall within said 5 days secure an endorsement upon such notice by an official inspection station that such vehicle is in safe condition and its equipment in proper repair and adjustment and shall then forward said notice to the department.

(b) No person shall operate any vehicle after receiving a notice with reference thereto as above provided except as may be necessary to return such vehicle to the residence or the place of business of the owner or driver if within a distance of 20 miles, or to a garage, until said vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this act.

ARTICLE XVI

SIZE, WEIGHT, AND LOAD

SEC. 139. *Scope and effect of article.*—(a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this article or otherwise in violation of this article, and the maxi-

mum size and weight of vehicles herein specified shall be lawful throughout this State, and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this article.

(b) The provisions of this article governing size, weight, and load shall not apply to fire apparatus, road machinery, or to implements of husbandry temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

SEC. 140. *Width of vehicles.*—(a) The total outside width of any vehicle or the load thereon shall not exceed 8 feet except as otherwise provided in this section.

(b) The total outside width of a farm tractor shall not exceed 10 feet.

(c) Whenever pneumatic tires, in substitution of the same type or other type of tires, have been heretofore or are hereafter placed upon a vehicle in operation upon the effective date of this act, the maximum width from the outside of one wheel and tire to the outside of the opposite wheel and tire shall not exceed 8 feet 6 inches, but in such event the outside width of the body of such vehicle or the load thereon shall not exceed 8 feet.

SEC. 141. *Projecting loads on passenger vehicles.*—No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than 6 inches beyond the line of the fenders on the right side thereof.

SEC. 142. *Height and length of vehicles.*—(a) No vehicle unladen or with load shall exceed a height of 12 feet 6 inches.

(b) No vehicle shall exceed a length of 35 feet extreme over-all dimension, inclusive of front and rear bumpers. A truck tractor and semitrailer shall be regarded as one vehicle for the purpose of determining lawful length.

(c) No combination of vehicles coupled together shall consist of more than two units and no such combination of vehicles shall exceed a total length of 45 feet subject to the following exceptions: Said length limitation shall not apply to vehicles operated in the day time when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, nor to such vehicles transporting such objects operated at night time by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in section 148, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

(d) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such a bumper.

SEC. 143. *Spilling loads on highways prohibited.*—No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping,

sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

SEC. 144. *Trailers and towed vehicles.*—(a) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed 15 feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe machinery or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

SEC. 145. *Wheel and axle loads.*¹⁰—(a) The gross weight upon any wheel of a vehicle shall not exceed the following:

1. When the wheel is equipped with a high pressure pneumatic, solid rubber or cushion tire, 8,000 pounds.

2. When the wheel is equipped with a low pressure pneumatic tire, 9,000 pounds.

(b) The gross weight upon any one axle of a vehicle shall not exceed the following:

1. When the wheels attached to said axle are equipped with high-pressure pneumatic, solid rubber or cushion tires, 16,000 pounds.

2. When the wheels attached to said axle are equipped with low-pressure pneumatic tires, 18,000 pounds.

(c) For the purposes of this section an axle load shall be defined as the total load on all wheels whose centers are included within two parallel transverse vertical planes not more than 40 inches apart.

(d) For the purposes of this section every pneumatic tire designed for use and used when inflated with air to less than 100 pounds pressure shall be deemed a low-pressure pneumatic tire and every pneumatic tire inflated to 100 pounds pressure or more shall be deemed a high-pressure pneumatic tire.

SEC. 146. *Gross weight of vehicles and loads.*¹¹—(a) No vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds the limits specified below:

1. The gross weight upon any one axle of a vehicle shall not exceed the limits prescribed in section 145 of this act.

2. Subject to the limitations prescribed in section 145 of this act the gross weight of any vehicle having two axles shall not exceed ----- pounds.

¹⁰ The American Association of State Highway Officials recommends the limitations stated for vehicles operated on all main rural and inter-city roads but suggests that heavier axle loads might be permitted upon vehicles operating in metropolitan areas if any city so desires. Also, the American Association of State Highway Officials recommends that the State highway department be authorized to restrict wheel and axle weights for reasonable periods where road subgrades are materially weakened by thawing after deep frost or from a continued saturated condition of the soil.

¹¹ In view of the varying conditions of traffic, and lack of uniformity in highway construction in the several States, no uniform gross-weight limitations are here recommended for general adoption throughout the country. For the protection of bridges, the American Association of State Highway Officials recommends the following formula: $W = 700(L + 40)$ where W = the gross weight in pounds and L equals the length in feet between the centers of the first and last axles of a vehicle or combination of vehicles.

3. Subject to the limitations prescribed in section 145 of this act the gross weight of any single vehicle having three or more axles shall not exceed ----- pounds.

4. Subject to the limitations prescribed in section 145 of this act the gross weight of any combination of vehicles shall not exceed ----- pounds.

(b) The commissioner, upon registering any vehicle under the laws of this State which vehicle is designed and used primarily for the transportation of property or for the transportation of 10 or more persons, may require such information and may make such investigation or test as necessary to enable him to determine whether such vehicle may safely be operated upon the highways in compliance with all the provisions of this act. He shall register every such vehicle for a permissible gross weight not exceeding the limitations set forth in this act. Every such vehicle shall meet the following requirements:

1. It shall be equipped with brakes as required in section 124 of this act.

2. Every motor vehicle to be operated outside of business and residence districts shall have motive power adequate to propel at a reasonable speed such vehicle and any load thereon or to be drawn thereby.¹²

(c) The commissioner shall insert in the registration card issued for every such vehicle the gross weight for which it is registered, and if it is a motor vehicle to be used for propelling other vehicles he shall separately insert the total permissible gross weight of such motor vehicle and other vehicles to be propelled by it. He may also issue a special plate with such gross weight or weights stated thereon, which shall be attached to the vehicle and displayed thereon at all times. It shall be unlawful for any person to operate any vehicle or combination of vehicles of a gross weight in excess of that for which registered by the commissioner or in excess of the limitations set forth in this act.

SEC. 147. *Officers may weigh vehicles and require removal of excess loads.*—(a) Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

(b) Whenever an officer upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this act. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

¹² A suggested method of determining whether the motive power is adequate to propel the vehicle and load at a reasonable speed is to require that the vehicle be powered so that it can ascend a grade of — percent at a speed of not less than 20 miles per hour. A speed of 20 miles per hour for commercial vehicles is considered reasonable on an ascending grade. The percentage gradient to be inserted should be representative of conditions within each particular State. In a State of flat terrain a 3-percent grade should be adequate. In hilly and mountainous territory the grade should be 5 or 6 percent.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a misdemeanor.

SEC. 148. *Permits for excess size and weight.*—(a) The (State highway commission) with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this act or otherwise not in conformity with the provisions of this act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible.

(b) The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(c) The (State highway commission) or local authority is authorized to issue or withhold such permit at its discretion; or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(d) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

SEC. 149. *When the State highway commission or local authorities may restrict right to use highways.*—(a) Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed 90 days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.

(c) Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(d) The (State highway commission) shall likewise have authority as hereinabove granted to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said (commission) and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution.

SEC. 150. *Liability for damage to highway or structure.*—(a) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which said highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving, or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in this act but authorized by a special permit issued as provided in this article.

(b) Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage.

(c) Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

ARTICLE XVII

PENALTIES AND DISPOSITION OF FINES AND FORFEITURES

SEC. 151. *Penalties for misdemeanor.*—(a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this State declared to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this act for which another penalty is not provided shall for first conviction thereof be punished by a fine of not more than \$100 or by imprisonment for not more than 10 days; for a second such conviction within 1 year thereafter such person shall be punished by a fine of not more than \$200 or by imprisonment for not more than 20 days or by both such fine and imprisonment; upon a third or subsequent conviction within 1 year after the first conviction such person shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months or by both such fine and imprisonment.

SEC. 152. *Disposition of fines and forfeitures.*—(a) All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this act constituting a misdemeanor shall be deposited in the treasury of the State (or the county, city, or town maintaining the court wherein

such conviction or forfeiture was had) in a special fund to be known as the "highway-improvement fund", which is hereby created, and which shall be used exclusively in the construction, maintenance, and repair of public highways, bridges, and highway structures or for the installation and maintenance of traffic control devices thereon within such respective jurisdictions.

(b) Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture either before or after a deposit in said "highway-improvement fund" to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

ARTICLE XVIII

PARTIES, PROCEDURE UPON ARREST, AND REPORTS IN CRIMINAL CASES

SEC. 153. *Parties to a crime.*—Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this act is likewise guilty of such offense.

SEC. 154. *Offenses by persons owning or controlling vehicles.*—It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

SEC. 155. *When person arrested must be taken immediately before a magistrate.*—Whenever any person is arrested for any violation of this act punishable as a misdemeanor, the arrested person shall be immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and is nearest or most accessible with reference to the place where said arrest is made, in any of the following cases:

1. When a person arrested demands an immediate appearance before a magistrate;
2. When the person is arrested and charged with an offense under this act causing or contributing to an accident resulting in injury or death to any person;
3. When the person is arrested upon a charge of negligent homicide;
4. When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs;
5. When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property.
6. In any other event when the person arrested refuses to give his written promise to appear in court as hereinafter provided.

SEC. 156. *When person arrested to be given 5 days' notice to appear in court.*—(a) Whenever a person is arrested for any viola-

tion of this act punishable as a misdemeanor, and such person is not immediately taken before a magistrate as hereinbefore required, the arresting officer shall prepare in duplicate written notice to appear in court containing the name and address of such person, the license number of his vehicle, if any, the offense charged, and the time and place when and where such person shall appear in court.

(b) The time specified in said notice to appear must be at least 5 days after such arrest unless the person arrested shall demand an earlier hearing.

(c) The place specified in said notice to appear must be before a magistrate within the township or county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense.

(d) The arrested person in order to secure release, as provided in this section, must give his written promise so to appear in court by signing in duplicate the written notice prepared by the arresting officer. The original of said notice shall be retained by said officers and the copy thereof delivered to the person arrested. Thereupon, said officer shall forthwith release the person arrested from custody.

(e) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and shall be subject to removal from office.

SEC. 157. *Violation of promise to appear.*—(a) Any person willfully violating his written promise to appear in court, given as provided in this article, is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

(b) A written promise to appear in court may be complied with by an appearance by counsel.

SEC. 158. *Procedure prescribed herein not exclusive.*—The foregoing provisions of this article shall govern all police officers in making arrests without a warrant for violations of this act for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.¹⁸

SEC. 159. *Record of conviction inadmissible in a civil action.*—No record of the conviction of any person for any violation of this act shall be admissible as evidence in any court in any civil action.

SEC. 160. *Conviction for traffic violation not to affect credibility of witness.*—The conviction of a person upon a charge of violating any provision of this act or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

SEC. 161. *Convictions to be reported to department.*—(a) Every magistrate or judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this act or of any other law regulating the operation of vehicles on highways.

(b) Within 10 days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this act or other law regulating the operation of vehicles on highways every said

¹⁸ This provision is intended to make clear that complaints may be filed and warrants issued thereon as usually provided by criminal statutes.

magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(c) Said abstract must be made upon a form furnished by the department and shall include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

(d) Every court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(e) The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom.

(f) The department shall keep all abstracts received hereunder at its main office and the same shall be open to public inspection during reasonable business hours.

ARTICLE XIX

EFFECT OF AND SHORT TITLE OF ACT

SEC. 162. *Uniformity of interpretation.*—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SEC. 163. *Short title.*—This act may be cited as the Uniform Act Regulating Traffic on Highways.

SEC. 164. *Constitutionality.*—If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

SEC. 165. *Repeal.*—The (existing statutes covering the same matters as embraced in this act) are hereby repealed and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 166. *Time of taking effect.*—This act shall take effect from and after _____ day of _____.

Table showing source of present provisions of act V of the Uniform Vehicle Code

[This act V regulating traffic on highways is a redraft of act IV published in 1930. The provisions of said act have been revised and amplified as indicated in the following table]

Section and subdivision of act V as revised	Source in act IV, section and subdivision ¹	Explanation
2a	1a	Identical.
b	1b	Revised.
c	1c	Do.
d	1d	Identical.
e	New	
3a	1f	Do.
b	1g	Do.
c	1h	Do.
4a	1f	Reworded.
b	1j	Do.
5a	1k	Do.
b	1l	Revised.
c	1m	Reworded.
6a	New	
b	do	
c	1c	Do.
7	New	
8a	1dd	Do.
b	1cc	Do.
9a	1n	Identical.
b	Model ordinance	
c	New	
d	1o	Do.
10	New	
11	1ee	Do.
12a	1p	Reworded.
b	1q	Revised.
c	1r	Reworded.
d	1s	Revised.
e	New	
f	do	
13	1u	Do.
14	1f	Do.
15	1r	Identical.
16a	1x	Reworded.
b	1y	Do.
17a	1aa	Do.
b	1bb	Do.
c	New	
18	1z	
19	1w	
20	New	
21	2a	Reworded.
22	3	Do.
23 a	4	
b	New	
c	do	
d	4	Do.
24	5	
25	6	
26	7	
27	8	Reworded and amplified.
28	9 a	Identical.
29	9	Revised.
30	10	Do.
31	11	Do.
32	12	Reworded.
33	New	Revised and amplified.
34	13	Do.
35	14	Do.
36	15 a	Do.
37	15 b	
38	15 c	
39	New	
40	do	
41	16	
42	New	
43	I, 7	
44	IV, 16	
45	do	Do.
46	I, 7	
47	IV, 16	
48	New	Do.

¹ Where the source is an act other than act IV, roman numerals indicate the act

Table showing source of present provisions of act V of the Uniform Vehicle Code—Continued

[This act V regulating traffic on highways is a redraft of act IV published in 1930. The provisions of said act have been revised and amplified as indicated in the following table]—Continued

Section and subdivision of act V as revised	Source in act IV, section and subdivision	Explanation
49.	18.	
50.	10 <i>a</i> .	Reworded.
51.	20.	Revised.
52 <i>a</i> .	New.	
<i>b</i> .	21.	Reworded.
53.	22.	Revised.
54.	24.	Reworded.
55.	25.	<i>Do.</i>
56.	26 omitting <i>b</i> .	
57.	28.	Revised.
58.	29 <i>a</i> , <i>b</i> .	<i>Do.</i>
59.	29 <i>c</i> .	Revised and amplified.
60.	26 <i>c</i> , 30.	
61.	New.	
62.	27.	Revised.
63.	31 <i>b</i> .	Amplified.
64.	32.	Reworded.
65.	34.	<i>Do.</i>
66.	33 <i>a</i> .	
67.	do.	Revised.
68.	33 <i>b</i> first sentence.	
69.	33 <i>b</i> last sentence.	
Alt. 69.	New.	
70.	35 <i>a</i> .	Reworded.
71.	35 <i>c</i> .	<i>Do.</i>
72 <i>a</i> .	35 <i>b</i> .	
<i>b</i> .	New.	
73.	36 <i>a</i> .	
74.	36 <i>b</i> , 37.	<i>Do.</i>
75.	39.	Revised.
76.	38 <i>a</i> , <i>b</i> .	
77.	38 <i>a</i> , <i>b</i> , 39 <i>b</i> .	
78.	40.	
79.	41.	
80 <i>a</i> .	42 <i>a</i> .	
<i>b</i> .	New.	Reworded and amplified.
81.	42 <i>b</i> .	Revised.
82 <i>a</i> .	43 <i>a</i> .	Reworded.
<i>b</i> .	do.	
<i>c</i> .	New.	
83.	44.	<i>Do.</i>
84 <i>a</i> .	45.	Amplified.
<i>b</i> .	New.	Reworded.
85.	46.	<i>Do.</i>
86.	47.	Revised.
87.	47 <i>b</i> .	
88.	48.	Revised.
89.	49.	
90.	50 <i>a</i> , <i>c</i> .	
91 <i>a</i> .	50 <i>b</i> .	
<i>b</i> .	New.	
92.	51.	Revised and amplified.
93.	New.	
94.	52.	Amplified.
95 <i>a</i> .	53.	Revised.
<i>b</i> .	53.	Identical.
96.	56.	Reworded.
97 <i>a</i> .	57.	
<i>b</i> .	New.	
98.	54.	
99.	55.	
100.	New.	
101.	do.	
102.	do.	
103.	do.	
104.	58 <i>a</i> .	Revised.
105.	58 <i>b</i> , <i>c</i> .	<i>Do.</i>
106.	58 <i>d</i> .	Revised and amplified.
107.	58 <i>u</i> .	<i>Do.</i>
108.	74.	Revised.
109.	58 <i>h</i> .	Amplified.
110.	58 <i>j</i> .	Revised.
111.	59 <i>a</i> .	
112.	59 <i>a</i> , <i>b</i> .	<i>Do.</i>

Table showing source of present provisions of act V of the Uniform Vehicle Code—Continued

[This act V regulating traffic on highways is a draft of act IV published in 1930. The provisions of said act have been revised and amplified as indicated in the following table]—Continued

Section and subdivision of act V as revised	Source in act IV, section and subdivision	Explanation
113	59c	
114	New	Revised.
115, 118	60, 61	Do.
119a	60, last part	
b	New	
120a	59d	Do.
b	69	Do.
c	New	
121	62	Do.
122	63	Do.
123	66	Do.
124	70	Revised and amplified.
125	71	Revised.
126	75	Reworded.
127	72	Do.
128	73	Do.
129	84	Do.
130	New	
131	do	
132	do	
133	68	Revised and amplified.
134	New	
135	do	
136	do	
137	do	
138	67	Do.
139a	77	
b	New	
140a	78a	
b	do	Revised.
c	New	
141	78e	
142	78	Do.
143	85	Do.
144	79	Do.
145	80	Do.
146	do	Revised and amplified.
147a	81	Revised.
b	do	Reworded.
c	New	Do.
148	82	
149a, b, c	83	
d	New	
150	do	
151	86	Revised.
152	89	
153	New	
154	2b	Reworded.
155	87b	
156	87a, c	Amplified.
157a	87a	
b	New	
158	do	
159	do	
160	do	
161	88	
162 to 166	New	Reworded.



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